

**TOWN OF SOUTH CLE ELUM**  
**MUNICIPAL**  
**CODE**

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

**Codified, Indexed, and Published by**



**Seattle, Washington**

**1999**

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## PREFACE

**Citation to the South Cle Elum Municipal Code:** This code should be cited as SCEMC; i.e., “see SCEMC 3.10.010.” An SCEMC title should be cited SCEMC Title 3. An SCEMC chapter should be cited Chapter 3.10 SCEMC. An SCEMC section should be cited SCEMC 3.10.010. Through references should be made as SCEMC 3.10.010 through 3.10.040. Series of sections should be cited as SCEMC 3.10.010, 3.10.020, and 3.10.030.

**Numbering system:** The number of each section of this code consists of three parts, in sequence as follows: Number of title; number of chapter within the title; number of section within the chapter. Thus SCEMC 3.10.020 is Title 3, chapter 10, section 20. The section part of the number (.020) initially consists of three digits. This provides a facility for numbering new sections to be inserted between existing sections already consecutively numbered. In most chapters of the SCEMC, sections have been numbered by tens (.010, .020, .030, .040, etc.), leaving nine vacant numbers between original sections so that for a time new sections may be inserted without extension of the section number beyond three digits.

**Legislation:** The legislative source of each section is enclosed in parentheses at the end of the section. References to ordinances are abbreviated; thus “(Ord. 332 § 1; Ord. 329 § 2)” refers to section 1 of Ordinance No. 332 and section 2 of Ordinance No. 329. “Formerly” followed by an SCEMC citation preserves the record of original codification. A semicolon between ordinance citations indicates an amendment of the earlier section.

**Codification tables:** To convert an ordinance citation to its SCEMC number consult the codification tables.

**Index:** SCEMC Titles 1 through 19 are indexed in the index. The index includes complete cross-referencing and is keyed to the section numbers described above.

**Errors or omissions:** Although considerable care has been used in the production of this code, it is inevitable in so large a work that there will be errors. As users of this code detect such errors, it is requested that a note citing the section involved and the nature of the error be e-mailed to: CPC@codepublishing.com, so that correction may be made in a subsequent update.

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## How to Amend the Code

### Code Structure and Organization

The code is organized using a 3-factor decimal numbering system which allows for additions between sections, chapters, and titles, without disturbing existing numbers.

**2 . 04 . 050**

**Title** \_\_\_\_\_  
**Chapter** \_\_\_\_\_  
**Section** \_\_\_\_\_

Typically, there are 9 vacant positions between sections; 4 positions between chapters, and several title numbers are “Reserved” to allow for codification of new material whose subject matter may be related to an existing title.

Ordinances of a general or public nature, or one imposing a fine, penalty or forfeiture, are codifiable. Prior to enacting a codifiable ordinance, ascertain whether the code already contains provisions on the topic.

### Additions

If the proposed ordinance will add material not contained in the code, the ordinance will specify an “addition”; that is, a new chapter (or title) will be added. For example:

**Section 1.** Chapter 5.20, Taxicab Licenses, is added to read as follows:

-or-

**Section 1.** A new title, Title 18, Zoning, is added to read as follows:

A specific subsection can also be added when appropriate:

**Section 2.** Subsection D is added to Section 5.05.070, to read as follows:

### Amendments

If the ordinance amends existing code provisions, specify the affected section or chapter numbers in the ordinance. This kind of amendment typically adds a section to an existing chapter, or amends an existing section. For example:

**Section 1.** Section 5.05.030 is amended to read as follows:

-or-

**Section 1.** Section 5.05.035, Additional fees, is added to Chapter 5.05 to read as follows:

An ordinance can also amend a specific subsection of a code section:

**Section 3.** Subsection B of Section 5.05.070 is amended to read:

### Repeals

Ordinances which repeal codified material should specify the code section number (or chapter number if an entire chapter is being repealed). These section or chapter numbers will be retained in the code, along with their title, as a record of ordinance activity (and as an explanation for gaps in the numbering sequence). The number of the repealed section or chapter number can be reused at a later time when desired. For example:

**Section 2.** Section 5.05.020, License, is repealed.

### Codification Assistance

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## TABLE OF REVISED PAGES

The following table is included in this code as a guide for determining whether the code volume properly reflects the latest printing of each page. This table will be updated with the printing of each supplement.

Through usage and supplementation, pages in looseleaf publications can be inserted and removed in error when pages are replaced on a page-for-page substitution basis.

The “Page” column lists all page numbers in sequence. The “Revised Date” column reflects the latest revision date (e.g., “(Revised 8/01)”) and printing of pages in the up-to-date volume. A “—” indicates that the page has not been revised since the June 1999 publication. This table is current through Ordinance 635, passed February 7, 2023.

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## **Title 1**

### **GENERAL PROVISIONS**

#### **Chapters:**

##### **1.01 Code Adoption**

## Chapter 1.01

### CODE ADOPTION

Sections:

- 1.01.010 Adoption, amendment and repeal.
- 1.01.020 Reservation of prosecutions.
- 1.01.030 Severability.

#### **1.01.010 Adoption, amendment and repeal.**

(1) There is hereby adopted the South Cle Elum Municipal Code which consists of the ordinances of the town that have ongoing effect and which have not expired according to their own terms.

(2) This code may be cited as the South Cle Elum Municipal Code.

(3) This code may be amended by reference to code section without the necessity of referring to the underlying ordinance.

(4) New ordinances may be added to the code, and if an ordinance is enacted with a numbering system that is inconsistent with the code numbering system, the town clerk is authorized to assign an appropriate code number and to codify the ordinance accordingly.

(5) The repeal of any code section does not revive the original text of the code section, but rather, repeal of an existing section repeals the underlying ordinance section and all of its amendments. (Ord. 411 § 1, 1999).

#### **1.01.020 Reservation of prosecutions.**

The adoption of this code shall not affect any prosecution for violations of ordinances, which violations were committed prior to the effective date of the adoption of the municipal code, nor shall the adoption of the municipal code be construed as a waiver of any license, fee or penalty due and owing at the effective date of the code adoption, nor shall adoption affect the validity of any bond or cash deposited with the town pursuant to the terms of any ordinance, upon its codification; but rather, all rights and obligations pertaining under the ordinances in effect prior to codification shall remain in full force and effect. (Ord. 411 § 1, 1999).

#### **1.01.030 Severability.**

If any section, subsection, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The town declares that it would have enacted this code, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional. (Ord. 411 § 1, 1999).

## **Title 2**

### **PERSONNEL AND ADMINISTRATION**

#### **Chapters:**

- 2.05 City Council**
- 2.10 City Employees**
- 2.15 Town Clerk-Treasurer**
- 2.20 Elections**
- 2.25 Fire Department**
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- 2.40 Town Mayor**

**Chapter 2.05**

**CITY COUNCIL**

Sections:

- 2.05.010 Meetings.
- 2.05.020 Council compensation.

**2.05.010 Meetings.**

The regular meetings of the town council of the town of South Cle Elum, Washington, shall be held on the first and third Tuesdays of each month at the hour of 7:00 p.m. in the Town Hall. (Ord. 251 § 1, 1975).

**2.05.020 Council compensation.**

Compensation for town council members of the town of South Cle Elum shall be \$135.00 a month. Provided, however, a council member may refuse compensation at any time if he or she provides to the town clerk written notice of such refusal. (Ord. 578 § 1, 2017; Ord. 490 § 1, 2008).

**Chapter 2.10**

**CITY EMPLOYEES**

Sections:

Article I. Discrimination

- 2.10.010 Purpose.
- 2.10.020 Discrimination prohibited.
- 2.10.030 Direct appeal – Hearing.

Article II. Pensions and Retirement

- 2.10.040 Coverage of employees.
- 2.10.050 Social Security System.
- 2.10.060 Authority to execute.
- 2.10.070 Payments into contribution fund.
- 2.10.080 Continued implementation.

Article III. Reimbursement

- 2.10.090 Travel reimbursement.

**Article I. Discrimination**

**2.10.010 Purpose.**

It is the purpose and intent of this article that all persons shall have equal opportunity with respect to employment, employment opportunities, and all other activities of the town of South Cle Elum. (Ord. 248 § 1, 1974).

**2.10.020 Discrimination prohibited.**

Discrimination against any applicant for employment, or against any employee, officer, agent, or any other person with respect to any and all employment, contracts, activities and functions of the town of South Cle Elum, on the basis of race, color, age, sex, religion, national origin or minority status is hereby expressly prohibited. (Ord. 248 § 2, 1974).

**2.10.030 Direct appeal – Hearing.**

Any person who feels he or she has been discriminated against, contrary to this article, shall have a direct appeal, either orally or in writing, to the town council of the town of

South Cle Elum, and the town council shall afford such person a full and fair hearing on the subject. (Ord. 248 § 3, 1974).

## **Article II. Pensions and Retirement**

### **2.10.040 Coverage of employees.**

The Legislature of the State of Washington has enacted Chapters 41.47 and 41.48 RCW which, in conjunction with the amendment of the Federal Social Security Act by the Congress of the United States, enables the political subdivisions of the state of Washington to take all action necessary to effectuate the coverage of their employees and officers under the federal old age and survivors' insurance system. It is believed that protection of the Social Security System will greatly benefit the employees of the town of South Cle Elum, and also this municipality by attracting to it and enabling it to retain the best of personnel and thus increase the efficiency of its government. And it is deemed that the payment by the municipality of its portion of the cost of said system is a payment for a municipal purpose. (Ord. 223 § 1, 1974).

### **2.10.050 Social Security System.**

The town of South Cle Elum hereby becomes a participant in the Social Security System, and extends to its employees and officers the benefits of old age and survivors' insurance. (Ord. 223 § 2, 1974).

### **2.10.060 Authority to execute.**

The mayor and the town clerk-treasurer of the town of South Cle Elum are hereby authorized to execute and deliver to the Washington State Department of Employment Security for its approval the plan or plans required under the provisions of RCW 41.48.050 and of the Social Security Act to extend coverage to the employees and officers of this municipality, and to do all other things necessary to effect the coverage. (Ord. 223 § 3, 1974).

### **2.10.070 Payments into contribution fund.**

The proper fiscal officers of this town are hereby authorized to make all required payments into the contribution fund established by

the said enabling act, and to establish such system of payroll deductions from the salaries of employees and officers as may be necessary to their coverage under said old age and survivors' insurance system. (Ord. 223 § 4, 1974).

### **2.10.080 Continued implementation.**

The proper officials of this town are authorized and instructed to do all things necessary to the continued implementation of said system. (Ord. 223 § 5, 1974).

## **Article III. Reimbursement**

### **2.10.090 Travel reimbursement.**

(1) Town of South Cle Elum employees and volunteers performing services to alleviate the duties performed by employees of the town of South Cle Elum may be reimbursed for mileage expenses and travel costs incurred when authorized in advance by the mayor or the mayor's designee. Said persons shall be reimbursed for mileage at the current rate established by the Internal Revenue Service for the United States of America.

(2) All claims for expenses shall be approved by the mayor and department head supervising the employee and/or volunteer.

(3) Both employees and volunteers shall be required to complete a "claim for expenses" form and submit to the mayor and department head.

(4) All reimbursements paid to employees and volunteers of the town of South Cle Elum shall come from existing departmental budgets upon approval by the mayor and responsible department head. The payments shall be requested only with the approval of the department head responsible for the budget paying the expenses. (Ord. 444, 2003).

**Chapter 2.15**

**TOWN CLERK-TREASURER**

Sections:

2.15.010 Combination of offices of treasurer and clerk.

**2.15.010 Combination of offices of treasurer and clerk.**

(1) The town council deems it advisable to combine the office of the town treasurer with that of town clerk.

(2) Accordingly, the office of the town treasurer is hereby consolidated and combined with the office of the town clerk. (Ord. 152 §§ 1, 2, 1956).

**Chapter 2.20**

**ELECTIONS**

Sections:

2.20.010 Nomination by caucus.

2.20.020 Nonpartisan.

2.20.030 Regulations.

**2.20.010 Nomination by caucus.**

Candidates for all town offices shall be nominated by caucus. (Ord. 197 § 1, 1967).

**2.20.020 Nonpartisan.**

All nominations and elections of town officers shall be nonpartisan. (Ord. 197 § 2, 1967).

**2.20.030 Regulations.**

Caucuses for nominations of candidates shall be held not more than 60 nor less than 46 days prior to the general city election. The town clerk-treasurer shall publish a notice of each caucus once in a newspaper having general circulation within Kittitas County at least 10 days prior to the date of the caucus; and if there be no such newspaper, notice shall be posted 10 days prior to date of this caucus at the three most prominent places in town. The incumbent mayor or in his absence the mayor pro tem shall be chairman of the caucus, and the incumbent clerk-treasurer or in his absence the clerk pro tem shall be clerk of the caucus. Only qualified electors of the town shall be qualified to vote and to place the names of the candidates in nomination at each nominating caucus. After the names of candidates have been placed in nomination, the qualified electors present shall for each office for which there are more than two candidates select two candidates by secret ballot. The two candidates receiving the greatest number of votes shall be nominated.

Ballots shall be tabulated by a disinterested committee of qualified electors appointed by the caucus chairman. The ballots shall be tabulated publicly at the caucus.

If, by law, the county auditor, as ex officio supervisor of elections, has jurisdiction over town elections, the town clerk-treasurer shall

at least 35 days prior to the election submit to the auditor a certified list of candidates. (Ord. 197 § 3, 1967).

## Chapter 2.25

### FIRE DEPARTMENT

#### Sections:

- 2.25.010 Established.
- 2.25.012 Governance.
- 2.25.015 Performance evaluation.
- 2.25.020 Supervision over department and fire equipment.
- 2.25.030 Incident command at fires.
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- 2.25.140 Relief and compensation provisions.
- 2.25.150 Pension provisions.
- 2.25.160 Pension provisions – Collection and payment.
- 2.25.170 Chapter 41.24 RCW adopted by reference.

#### **2.25.010 Established.**

There has been and is hereby created and established for the town a fire department named the South Cle Elum fire department. This is and shall be a volunteer fire department and shall consist of a fire chief, one assistant chief, and the other department members. The membership shall not exceed 25 firefighters for each 1,000 of population or fraction thereof in the town. (Ord. 601 § 1, 2021; Ord. 191 § 1, 1964).

#### **2.25.012 Governance.**

The South Cle Elum fire department shall be governed by this chapter, and the department's standard operating policies and procedures (SOP) and standard operating guidelines (SOG). The South Cle Elum Fire Department Volunteer Firefighters Association bylaws will only apply to the South Cle Elum Fire

Department Volunteer Firefighters Association. The South Cle Elum Fire Department Volunteer Firefighters Association business will be kept separate from the South Cle Elum fire department. The chief will be selected on a biennial basis by the following process: Any interested members of the South Cle Elum fire department that meet the minimum standards of responding to 10 percent of the current year's calls, completing 50 percent of the current year's scheduled meetings/trainings, and having completed the ICS-100, ICS-200, IS-700 and IS-800 certification classes may submit a letter of interest, application, resume and copy of training certifications to the town council by the first town council meeting of November before the upcoming fire chief election. The qualified candidates will then be interviewed by the town council personnel committee to determine the two or three most qualified candidates. This list of recommended candidates will be presented to the town council for approval. The council-approved list of candidates will then be presented to the South Cle Elum fire department membership by their first meeting in the following January for them to make their final selection of the fire chief by popular vote of the fire department membership. The assistant fire chief and other officers shall be selected by the fire chief and approved by the mayor and town council. If an assistant chief does not possess the ICS-100, ICS-200, IS-700 and IS-800 certifications, he or she must complete any training necessary to obtain them within 90 days of taking office. If the assistant chief does not meet these requirements within the 90 days, he or she must resign the assistant fire chief position and the fire chief will then select a suitable replacement, who must then be approved by the mayor and town council. The replacement assistant fire chief must either possess the required certifications or obtain them within 90 days of taking office. (Ord. 601 § 2, 2021)

#### **2.25.015 Performance evaluation.**

To ensure that the requirements of the fire department are being met, an annual, or as needed, performance evaluation will be administered to the fire chief by the South Cle

Elum council personnel committee and the mayor. The evaluation will assess whether the South Cle Elum fire department is meeting the operational requirements outlined in this chapter. If the evaluation finds a deficiency, any deficiencies will be thoroughly discussed with the fire chief and 90 days later, a follow-up evaluation will be administered to assess whether the deficiencies have been properly addressed. If the fire chief receives two consecutive deficient evaluations, the mayor or council may choose to remove the fire chief from office. In the event of the fire chief being removed from, or resigning his office, the assistant fire chief will assume the role of fire chief for the remainder of the current calendar year and a new selection process will begin at the first town council meeting of November of that year as outlined in SCEMC 2.25.012. Once the assistant fire chief assumes his new role of South Cle Elum fire chief, the assistant fire chief and other officers shall be selected by the new fire chief and approved by the mayor and town council at the next regular town council meeting. (Ord. 601 § 3, 2021)

#### **2.25.020 Supervision over department and fire equipment.**

The fire chief, with the help of his or her assistant chief, shall have the control, subject to the order and direction of the town council and mayor, of the fire department and all fire apparatus and equipment belonging to the town, and shall supervise and document the maintenance and repair of such apparatus and equipment and the training of the department members. (Ord. 601 § 4, 2021; Ord. 191 § 2, 1964).

#### **2.25.030 Incident command at fires.**

In case of fire, the on-site incident commander and scope of authority will be determined by the South Cle Elum fire department SOP and SOG. (Ord. 601 § 5, 2021; Ord. 191 § 3, 1964).

#### **2.25.040 Records.**

The fire chief shall keep or cause to be kept an electronic record of all meetings of the department, the attendance of members at



calls, the attendance of members at meetings, all dispatched calls, equipment inspections, commercial building inspections, member attendance at trainings, equipment inventory and such other records as may be required, and during the second week in February of each year shall file with the clerk-treasurer a full report of such records, attendance and fires. Upon request from the clerk-treasurer, the chief shall present a full report of any requested records. The fire chief shall keep a record of all meetings and shall make a report to the department of such record; and the chief shall perform such other duties as may be prescribed by the mayor or town council. (Ord. 601 § 6, 2021; Ord. 191 § 4, 1964).

#### **2.25.050 Duties of fire department members.**

It shall be the function and duty of the fire department and every member thereof to extinguish hostile, accidental or destructive fires and to prevent the occurrence and spread of such fires. Duties to also include emergency medical services (EMS) including aid and rescue calls. (Ord. 601 § 7, 2021; Ord. 191 § 5, 1964).

#### **2.25.060 Duties of the public.**

All persons present must cooperate with and must not interfere with the firemen and the fire department in carrying out the functions and duties of the department. (Ord. 191 § 6, 1964).

#### **2.25.070 Enforcement.**

It shall be the duty of all officers of the fire department of the town to see that the regulatory provisions of this chapter and other fire ordinances of the town and the laws of this state pertaining to fires are implemented. Police officers are vested with the power and authority, including the power of arrest, to enforce any criminal provisions relating to fire, including those involving persons who obstruct, hinder, or fail to obey firefighters discharging their duties. (Ord. 601 § 8, 2021; Ord. 191 § 7, 1964).

#### **2.25.080 Service outside corporate limits.**

Members of the fire department are authorized to go outside the town limits for the purpose of rendering aid to other fire departments, or of extinguishing fires or rendering aid in the case of accidents; provided, that the fire department shall not render any such service outside the town limits excepting upon orders of the fire chief, the assistant fire chiefs, or the town mayor, except that where the town has undertaken by contract to render service to property outside the town limits the fire department may leave the town limits in the fulfillment of such contract. (Ord. 191 § 8, 1964).

#### **2.25.090 Volunteer firefighters' benefits.**

There is hereby created and established, pursuant to Chapter 41.24 RCW, a firefighter board of trustees consisting of the town mayor, town clerk-treasurer, one town council member, the fire chief, and one member of the fire department. The council member shall be selected by the town council, and the fire department member shall be selected by the fire department members. Every firefighter in the South Cle Elum fire department shall be enrolled under the relief and compensation provisions of Chapter 41.24 RCW. It shall be the function and duty of the board of trustees to see that the provisions of Chapter 41.24 RCW are complied with. (Ord. 601 § 9, 2021; Ord. 191 § 9, 1964).

#### **2.25.100 Payment to the department.**

In order to provide funds for the activities of the fire department, the town shall pay the department a minimum payment of \$150.00 per year. This shall be construed to cover payment to the department for up to five fire calls during such year, a fire call being defined as attendance at a fire where water or fire extinguisher are necessarily used to extinguish a fire. For each fire call during such year in excess of five fire calls, the town shall pay the department the sum of \$30.00. (Ord. 191 § 10, 1964).

**2.25.110 Penalty.**

Every person who shall violate any of the provisions of this chapter shall, upon conviction thereof (except as otherwise specifically provided in this chapter) be punished by a fine not exceeding \$100.00 or imprisonment not exceeding 30 days, or by both such fine and imprisonment. (Ord. 191 § 11, 1964).

**2.25.120 Fire chief – Compensation.**

Compensation for the fire chief of the town of South Cle Elum shall be \$125.00 a month. (Ord. 601 § 10, 2021; Ord. 583 § 1, 2017; Ord. 490 § 3, 2008; Ord. 206 § 1, 1969).

**2.25.130 Council members authorized to serve as volunteer firefighters.**

Council members are authorized to serve as volunteer firefighters and to receive the same compensation, insurance and other benefits as are applicable to other volunteer firefighters employed by the town of South Cle Elum. In the event that the council member is also serving in a decision-making role in the fire department, this would constitute a conflict of interest and the council member must recuse himself from any council actions affecting the fire department. (Ord. 601 § 11, 2021; Ord. 249 § 1, 1974).

**2.25.140 Relief and compensation provisions.**

The town of South Cle Elum maintains and operates a regularly organized volunteer fire department. Town firefighters are enrolled under the relief and compensation provisions of Chapter 41.24 RCW. (Ord. 601 § 12, 2021; Ord. 257 § 1, 1975).

**2.25.150 Pension provisions.**

Any firefighter who is a member of the South Cle Elum fire department may enroll under the pension provisions of Chapter 41.24 RCW by electing to avail himself of the retirement provisions of said law. (Ord. 601 § 13, 2021; Ord. 257 § 2, 1975).

**2.25.160 Pension provisions – Collection and payment.**

The secretary-treasurer of the South Cle Elum Fire Department Volunteer Firefighters Association shall periodically, as required by law, collect and pay from all town firefighters enrolled under the pension provisions of Chapter 41.24 RCW, so long as they shall continue to be members of the South Cle Elum fire department, all fees and payments required of said members under said law. Such fees and payments shall be remitted to the Washington State trust fund known as the Volunteer Firefighters' and Reserve Officers' Relief and Pension Fund, together with all such fees and payments required from the town of South Cle Elum, at the times and in the manner required by law. (Ord. 601 § 14, 2021; Ord. 257 § 3, 1975).

**2.25.170 Chapter 41.24 RCW adopted by reference.**

There is hereby adopted by reference and made a part of this chapter, Chapter 41.24 RCW. Each and all of the provisions of Chapter 41.24 RCW are by this reference made a part of this chapter and shall hereafter be in effect in the town of South Cle Elum in the same manner as if they were fully set forth in this chapter. The South Cle Elum town clerk-treasurer shall provide electronic access, such as by internet link, to Chapter 41.24 RCW upon request while this chapter is in effect. (Ord. 601 § 15, 2021; Ord. 257 § 4, 1975).

**Chapter 2.30**

**EMERGENCY MANAGEMENT**

Sections:

- 2.30.010 Authority.
- 2.30.020 Participation in Kittitas County emergency management council.

**2.30.010 Authority.**

RCW 38.52.070 provides that each political subdivision of the state of Washington is authorized and directed to establish a local organization for emergency services or enter into an agreement with other local subdivisions and/or a county in a joint emergency services organization. (Ord. 298 § 1, 1983).

**2.30.020 Participation in Kittitas County emergency management council.**

The town of South Cle Elum, Washington, is hereby authorized to participate with Kittitas County and other cities of the county in the Kittitas County emergency management council, an organization for emergency services which provides for the preparation and carrying out of plans for civil defense and emergency functions for the protection and benefit of persons within this town and county and to provide for the coordination of emergency services with all other public agencies, private persons, corporations and organizations pursuant to Chapter 38.52 RCW. (Ord. 298 § 2, 1983).

**Chapter 2.40**

**TOWN MAYOR**

Sections:

- 2.40.010 Compensation of mayor.

**2.40.010 Compensation of mayor.**

Compensation for the mayor of the town of South Cle Elum shall be \$185.00 a month. Provided, however, the mayor may refuse compensation at any time if he or she provides to the town clerk written notice of such refusal. (Ord. 577 § 1, 2017; Ord. 490 § 2, 2008).

## **Title 3**

### **REVENUE AND FINANCE**

#### **Chapters:**

- 3.05 Sales and Use Tax**
- 3.10 Real Estate Excise Tax**
- 3.15 Lodging Tax**
- 3.20 Business and Occupation Tax**

**Chapter 3.05****SALES AND USE TAX**

## Sections:

- 3.05.010 Imposed.
- 3.05.020 Rate.
- 3.05.030 Administration and collection.
- 3.05.040 Inspection of records.
- 3.05.050 Contract with Department of Revenue.
- 3.05.060 Violation – Penalty.

**3.05.010 Imposed.**

There is hereby imposed a sales or use tax, as the case may be, upon every taxable event, as defined in Section 3, Chapter 94, Laws of 1970, First Extraordinary Session, occurring within the town of South Cle Elum. The tax shall be imposed upon and collected from those persons from whom the state sales or use tax is collected pursuant to Chapters 82.08 and 82.12 RCW. (Res. 213 § 1, 1970).

**3.05.020 Rate.**

The rate of the tax imposed by SCEMC 3.05.010 shall be one-half of one percent of the selling price or value of the article used, as the case may be; provided, however, that during such period as there is in effect a sales or use tax imposed by Kittitas County, the rate of tax imposed by this chapter shall be four hundred twenty-five one-thousandths of one percent. (Res. 213 § 2, 1970).

**3.05.030 Administration and collection.**

The administration and collection of the tax imposed by this chapter shall be in accordance with the provisions of section 6, chapter 94, Laws of 1970, First Extraordinary Session. (Res. 213 § 3, 1970).

**3.05.040 Inspection of records.**

The town of South Cle Elum hereby consents to the inspection of such records as are necessary to qualify the city for inspection of records of the Department of Revenue, pursuant to RCW 82.32.330. (Res. 213 § 4, 1970).

**3.05.050 Contract with Department of Revenue.**

The mayor and clerk-treasurer of the town of South Cle Elum are authorized to enter into a contract with the Washington State Department of Revenue for administration of the tax, and to execute in behalf of the town of South Cle Elum all documents and papers necessary to accomplish this. (Res. 213 § 5, 1970).

**3.05.060 Violation – Penalty.**

Any seller who fails or refuses to collect the tax as required with the intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$300.00 or imprisoned for not more than 90 days or both fined and imprisoned. (Res. 213 § 6, 1970).

**Chapter 3.10**

**REAL ESTATE EXCISE TAX**

Sections:

- 3.10.010 Imposed.
- 3.10.020 Collection.
- 3.10.030 Compliance with state regulations.
- 3.10.040 Distribution.
- 3.10.050 Effective date.

**3.10.010 Imposed.**

Pursuant to authority granted to cities of the state of Washington pursuant to RCW 82.46.010 there is hereby imposed an excise tax on the sale of real property within the corporate limits of the town of South Cle Elum, at a rate equal to one-quarter of one percent of the selling price of said property. (Ord. 332 § 1, 1987).

**3.10.020 Collection.**

The tax imposed under SCEMC 3.10.010 shall be collected from persons who are taxable by the state of Washington under Chapter 82.45 RCW upon the occurrence of any taxable event within the town of South Cle Elum. (Ord. 332 § 2, 1987).

**3.10.030 Compliance with state regulations.**

The tax imposed under SCEMC 3.10.010 shall comply with all applicable rules, regulations, laws and court decisions regarding real estate excise taxes imposed by the state of Washington under Chapter 82.45 RCW. (Ord. 332 § 3, 1987).

**3.10.040 Distribution.**

The distribution of the proceeds of the tax imposed in SCEMC 3.10.010 shall be in accordance with RCW 82.46.030. Upon receipt from the Kittitas County treasurer of the town of South Cle Elum's share of the tax imposed in SCEMC 3.10.010, the town clerk-treasurer shall deposit the receipted funds in to the capital improvement fund of the town of South Cle Elum. (Ord. 332 § 4, 1987).

**3.10.050 Effective date.**

The tax imposed pursuant to this chapter shall begin to be collected May 1, 1987. (Ord. 332 § 5, 1987).

## Chapter 3.15

### LODGING TAX

Sections:

3.15.010 Levied – Administration and collection – Fund created.

#### **3.15.010 Levied – Administration and collection – Fund created.**

The “tourist support fund” is hereby created as a new fund of the town of South Cle Elum as follows:

(1) Commencing September 1, 2001, for the purposes set forth in RCW 67.28.210, there is hereby imposed and levied a special excise tax of four percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and granting of any similar license to use real property, as distinguished from renting or leasing of real property in the town of South Cle Elum; provided, that it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property, and not a mere license to use or enjoy the same.

(2) Definitions. The definition of “selling price”, “seller”, “buyer”, “consumer”, and all other definitions as are now contained in RCW 82.08.010 and subsequent amendments thereto, are hereby adopted as the definitions for the tax levied herein.

(3) Administration and Collection of Tax for the Purposes of the Tax Levied Herein.

(a) The Department of Revenue of the state of Washington is hereby designated as the agent of the town of South Cle Elum for the purpose of collection and administration.

(b) The administrative provisions contained in RCW 82.08.050 through 82.08.070 and Chapter 82.32 RCW shall apply with respect to administration and collection by the Department of Revenue.

(c) All rules and regulations adopted by the Department of Revenue for the administration of Chapter 82.08 RCW are hereby adopted.

(d) The Department of Revenue is hereby empowered, on behalf of the town of

South Cle Elum, to prescribe such special forms and reporting procedures as the Department may deem necessary.

(4) Tourist Support Fund.

(a) Fund Created. There is hereby created a special fund to be known as the tourist support fund.

(b) All proceeds of the special excise tax imposed by this chapter shall be deposited in the tourist support fund, together with funds from other sources as may be determined from time to time by the South Cle Elum town council.

(c) Purpose – Expenditure. All of the revenues from the fund created in this chapter shall be used for the purpose of paying all or any part of the acquisition, construction, or operation of tourist-oriented facilities within the town of South Cle Elum, or for advertising, publicizing or otherwise distributing information for the purpose of attracting visitors and encouraging tourist expansion. (Ord. 435 § 1, 2001; Ord. 342 § 1, 1989).

**Chapter 3.20****BUSINESS AND OCCUPATION TAX**

## Sections:

- 3.20.005 Engaging in business.
- 3.20.010 Purpose.
- 3.20.015 Definitions.
- 3.20.020 License required.
- 3.20.025 Business license threshold.
- 3.20.030 Levied.
- 3.20.040 Payment.
- 3.20.050 Computation.
- 3.20.060 Records – Inspection.
- 3.20.070 Failure to pay.
- 3.20.080 Overpayment – Refund.
- 3.20.090 Violation – Penalty.
- 3.20.100 Annexation – Provision of ordinances.
- 3.20.110 Administration – Powers of town clerk-treasurer.

**3.20.005 Engaging in business.**

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

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

(2) Without being all inclusive, any one of the following activities conducted within the town by a person, or its employee, agent, representative, independent contractor, broker or

another acting on its behalf, constitutes engaging in business and requires a person to register and obtain a business license:

(a) Owning, renting, leasing, maintaining, or having the right to use, or using, tangible personal property, intangible personal property, or real property permanently or temporarily located in the town.

(b) Owning, renting, leasing, using, or maintaining an office, place of business, or other establishments in the town.

(c) Soliciting sales.

(d) Making repairs or providing maintenance or service to real or tangible personal property, including warranty work and property maintenance.

(e) Providing technical assistance or service, including quality control, product inspections, warranty work, or similar services on or in connection with tangible personal property sold by the person or on its behalf.

(f) Installing, constructing, or supervising installation or construction of real or tangible personal property.

(g) Soliciting, negotiating, or approving franchise, license, or other similar agreements.

(h) Collecting current or delinquent accounts.

(i) Picking up and transporting tangible personal property, solid waste, construction debris, or excavated materials.

(j) Providing disinfecting and pest control services, employment and labor pool services, home nursing care, janitorial services, appraising, landscape architectural services, security system services, surveying, and real estate services including the listing of homes and managing real property.

(k) Rendering professional services such as those provided by accountants, architects, attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs and other sports organizations, chemists, psychologists, court reporters, dentists, doctors, detectives, laboratory operators, teachers, veterinarians.

(l) Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings.



(m) Training or recruiting agents, representatives, independent contractors, brokers or others, domiciled or operating on a job in the town, acting on its behalf, or for customers or potential customers.

(n) Investigating, resolving, or otherwise assisting in resolving customer complaints.

(o) In-store stocking or manipulating products or goods, sold to and owned by a customer, regardless of where sale and delivery of the goods took place.

(p) Delivering goods in vehicles owned, rented, leased, used, or maintained by the person or another acting on its behalf.

(3) If a person, or its employee, agent, representative, independent contractor, broker or another acting on the person's behalf, engages in no other activities in or with the town but the following, it need not register and obtain a business license:

(a) Meeting with suppliers of goods and services as a customer.

(b) Meeting with government representatives in their official capacity, other than those performing contracting or purchasing functions.

(c) Attending meetings, such as board meetings, retreats, seminars, and conferences, or other meetings wherein the person does not provide training in connection with tangible personal property sold by the person or on its behalf. This provision does not apply to any board of directors member or attendee engaging in business, such as a member of a board of directors who attends a board meeting.

(d) Renting tangible or intangible property as a customer when the property is not used in the town.

(e) Attending, but not participating in, a trade show or multiple vendor events. Persons participating at a trade show shall review the town's trade show or multiple vendor event ordinances.

(f) Conducting advertising through the mail.

(g) Soliciting sales by phone from a location outside the town.

(4) A seller located outside the town merely delivering goods into the town by means of common carrier is not required to register and obtain a business license; provided, that it engages in no other business activities in the town. Such activities do not include those in subsection (3) of this section.

(5) The town expressly intends that engaging in business include any activity sufficient to establish nexus for purposes of applying the license fee under the law and the constitutions of the United States and the state of Washington. Nexus is presumed to continue as long as the taxpayer benefits from the activity that constituted the original nexus-generating contact or subsequent contacts. (Ord. 589 § 1, 2018).

### **3.20.010 Purpose.**

The provisions of this chapter shall be deemed to be an exercise of the power of the town of South Cle Elum to license for revenue. (Ord. 303 § 1, 1984).

### **3.20.015 Definitions.**

"Cellular telephone service" means any two-way voice and data telephone or similar communications system based in whole or in substantial part on wireless radio communications, including cellular mobile service, and which is not subject to regulation by the Washington State Utilities and Transportation Commission. Cellular mobile service includes other wireless radio communications services including specialized mobile radio, personal communications services, and any other evolving wireless radio communications technology that accomplishes a purpose substantially similar to cellular mobile service. Cellular telephone service is included within the definition of "telephone business" for the purposes of this chapter.

"Competitive telephone service" means the providing by any person of telephone equipment, apparatus, or service, other than toll service, which is of a type which can be provided by persons that are not subject to regulation as telephone companies under RCW Title 80 and for which a separate charge is made. Transmis-

sion of communication through cellular telephones is classified as “telephone business” rather than “competitive telephone service.”

“Gross income” means the value proceeding or accruing from the performance of the particular business involved, including gross proceeds of sales, compensation for the rendition of services, and receipts (including all sums earned or charged, whether received or not) by reason of investment in the business engaged in (excluding rentals, receipts or proceeds from the use or sale of real property or any interest therein, and proceeds from the sale of notes, bonds, mortgages or other evidences of indebtedness, or stocks and the like), all without any deduction on account of the cost of property sold, the cost of materials used, labor costs, taxes, interest or discount paid, delivery costs or any expenses whatsoever, and without any deduction on account of losses. Gross operating revenues for this purpose shall not include charges which are passed on to the subscribers by telephone company pursuant to tariffs required by regulatory order to compensate for the cost to the company of the tax imposed by this chapter.

“Light and power business” means the business of operating a plant or system for the generation, production or distribution of electrical energy for hire or sale and/or for the wheeling of electricity for others.

“Pager service” means service provided by means of an electronic device which has the ability to send or receive voice or digital messages transmitted through the local telephone network, via satellite or any other form of voice or data transmission. “Pager service” is included within the definition of “telephone business” for the purposes of this chapter.

“Telephone business” means the business of providing access to a local telephone network, local telephone network switching service, toll service, or coin telephone services, or providing telephonic, video, data, pager or similar communication or transmission for hire, via a local telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. The term includes cooperative or farmer line telephone companies or associations operating an exchange.

“Telephone business” does not include the providing of competitive telephone service or cable television service, or other providing of broadcast services by radio or television stations. (Ord. 532 § 1, 2013).

### **3.20.020 License required.**

From and after June 1, 1984, no person, firm, or corporation shall engage in or carry on any business, occupation, act or privilege for which a tax is imposed by SCEMC 3.20.030 without first having obtained, and being the holder of, a license so to do, to be known as an occupation license. Each said person, firm or corporation shall promptly apply to the town clerk-treasurer for such license upon such forms as the clerk-treasurer shall prescribe, giving such information as the clerk-treasurer shall deem necessary to enable the clerk-treasurer’s office to administer and enforce this chapter; and, upon acceptance of such application by the clerk-treasurer, said clerk-treasurer shall thereupon issue said license to the applicant. Such occupation license shall be personal and nontransferable and shall be valid as long as the licensee shall continue in said business and shall comply with this chapter. (Ord. 303 § 2, 1984).

### **3.20.025 Business license threshold.**

To the extent set forth in this section, the following persons and businesses shall be exempt from the registration, license and/or license fee requirements as outlined in this chapter:

(1) Any person or business whose annual value of products, gross proceeds of sales, or gross income of the business in the town is equal to or less than \$2,000 and who does not maintain a place of business within the town shall be exempt from the general business license requirements in this chapter. The exemption does not apply to regulatory license requirements or activities that require a specialized permit. (Ord. 589 § 2, 2018).

### **3.20.030 Levied.**

From and after June 1, 1984, there is hereby levied upon, and there shall be collected from every person, firm or corporation engaged in the following business for hire or for sale of a

commodity or service within, or partly within, the corporate limits of the town of South Cle Elum, a tax for the privilege of so doing business as hereinafter defined, to wit:

(1) Upon every person or firm engaged in or carrying on any telephone business, there shall be levied a tax equal to six percent of the total gross operating revenues, including revenues from intrastate tolls, long distance or otherwise, derived from the operation of such business within the town of South Cle Elum.

(2) Upon every person or firm engaged in or carrying on the business of selling or furnishing electric light and power, there shall be levied a tax equal to six percent of the total gross operating revenues. (Ord. 532 § 2, 2013; Ord. 303 § 3, 1984).

#### **3.20.040 Payment.**

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

First Quarter – January, February, March

Second Quarter – April, May, June

Third Quarter – July, August, September

Fourth Quarter – October, November, December

The first payment made hereunder shall be made by July 30, 1984, for the three-month period ending June 30, 1984. On or before said due date, the taxpayer shall file with the town clerk-treasurer a written return, upon such form and setting forth such information as the clerk-treasurer shall reasonably require, together with the payment of the amount of the tax. (Ord. 303 § 4, 1984).

#### **3.20.050 Computation.**

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

(1) The amount of credit losses and uncollectibles actually sustained by the taxpayer;

(2) Amounts derived from transactions in interstate or foreign commerce or from any business in which the town of South Cle Elum is prohibited from taxing under the Constitutions of the United States or the state of Washington;

(3) Amounts derived by the taxpayer from the town of South Cle Elum. (Ord. 303 § 5, 1984).

#### **3.20.060 Records – Inspection.**

Each taxpayer shall keep records reflecting the amount of his said gross operating revenues, and such records shall be open at all reasonable times to the inspection of the town clerk-treasurer or her duly authorized subordi-

nates for verification of said tax returns or for the fixing of the tax of a taxpayer who shall fail to make such returns. (Ord. 303 § 6, 1984).

### **3.20.070 Failure to pay.**

If any person, firm or corporation subject to this chapter shall fail to pay any tax required by this chapter within 30 days after the due date thereof, there shall be added to such tax a penalty of 20 percent of the amount of such tax, and any tax due under this chapter and unpaid, and all penalties thereon shall constitute a debt to the town of South Cle Elum and may be sued on as in other civil actions for debt, which remedy shall be in addition to all other remedies. (Ord. 303 § 7, 1984).

### **3.20.080 Overpayment – Refund.**

Any money paid to the town of South Cle Elum through error or otherwise not in payment of the tax imposed hereby or in excess of such tax shall, upon request of the taxpayer, be credited against any tax due or to become due from such taxpayer hereunder or, upon the taxpayer ceasing to do business in the town of South Cle Elum, be refunded to the taxpayer; provided, however, that overpayments extending beyond one year prior to notification of the city shall not be refunded. (Ord. 532 § 3, 2013; Ord. 303 § 8, 1984).

### **3.20.090 Violation – Penalty.**

Any person subject to this chapter who shall fail or refuse to apply for an occupational license hereunder or to make the tax returns required or to pay said tax quarterly when due, or who shall make any false statement or representation in or in connection with any return or application for license, or who shall otherwise violate or refuse to comply with this chapter, shall upon conviction thereof be punished by a fine of not to exceed \$500.00. (Ord. 303 § 9, 1984).

### **3.20.100 Annexation – Provision of ordinances.**

Whenever the boundaries of the town of South Cle Elum are extended by annexation, all persons, firms and corporations subject to

this chapter will be provided with copies of all annexation ordinances by the town of South Cle Elum. (Ord. 303 § 10, 1984).

### **3.20.110 Administration – Powers of town clerk-treasurer.**

The town clerk-treasurer is hereby authorized to adopt, publish, and enforce, from time to time, such rules and regulations for the proper administration of this chapter as shall be necessary, and it shall be a violation of this chapter to violate or to fail to comply with any such rule or regulation lawfully promulgated hereunder. (Ord. 303 § 11, 1984).

**Title 4**  
**(Reserved)**

## **Title 5**

### **BUSINESS REGULATIONS**

#### **Chapters:**

- 5.05 Business Licenses and Regulations**
- 5.10 Amusement Places and Devices**

**Chapter 5.05****BUSINESS LICENSES  
AND REGULATIONS**

## Sections:

- 5.05.010 Business license required.
- 5.05.020 Conclusive presumption of engaging in business or profession.
- 5.05.030 Procedure.
- 5.05.040 Posting of license or certificate thereof.
- 5.05.050 License fee.
- 5.05.060 Transfer of license.
- 5.05.070 Premises inspection.
- 5.05.080 Certain exemptions.
- 5.05.090 Penalties.

**5.05.010 Business license required.**

It shall be unlawful for any person to conduct or carry on any business, practice, or profession in the town of South Cle Elum, Washington without first securing a license to do so and paying a license fee as hereinafter provided.

For the purpose of this chapter, the words and phrases used herein, unless the context otherwise indicates, shall have the following meanings:

(1) "Certificate" means any certificate or renewal of certificate issued pursuant to this chapter;

(2) "Town clerk-treasurer" means the official designated by the town council to occupy the office and perform the duties of the town clerk-treasurer, or his or her authorized representative;

(3) "License" means any license or renewal of license issued pursuant to this chapter;

(4) "Licensee" means any person to whom a license or renewal of license has been issued pursuant to this chapter;

(5) "Permit" means any permit or renewal of permit issued pursuant to any business license agreement;

(6) "Person" means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or any other legal entity. (Ord. 396 § 1, 1997).

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

Every person, firm or corporation or entity who or which for pay, hire or profit engages in any principal business use, as defined as permitted principal uses in SCEMC 17.20.010 and 17.25.010, business and light industrial districts, within the town of South Cle Elum shall be conclusively presumed to be conducting or carrying on a business or practicing a profession in the town of South Cle Elum for purpose of this chapter. This conclusive presumption is in addition to, and not in limitation or restriction of, any and all other circumstances or presumptions with respect to conducting, carrying on or engaging in a business or profession. (Ord. 396 § 2, 1997).

**5.05.030 Procedure.**

Application for said license shall be made in writing to the town clerk-treasurer upon a form provided by said clerk-treasurer, and the applicant shall at the same time deposit with the clerk-treasurer in advance the license fee herein required. The clerk-treasurer shall thereupon issue a license certificate to the applicant. (Ord. 396 § 3, 1997).

**5.05.040 Posting of license or certificate thereof.**

Any license or certificate thereof, issued pursuant to this chapter, shall be posted in a conspicuous place in the place of business of the licensee. (Ord. 396 § 4, 1997).

**5.05.050 License fee.**

The fee for the business license referred to in this chapter shall be the sum of \$50.00 for each calendar year or any part thereof. License fees and business taxes shall not be refundable, and shall not be prorated. All payments shall be made in advance. (Ord. 486 § 1, 2007; Ord. 396 § 5, 1997).

**5.05.060 Transfer of license.**

No business license issued under this chapter shall be transferable from one person to another. Upon the sale or transfer of any substantial interest in a business, the license therefor shall be null and void. A new application

shall be made by any person desiring to operate or maintain the business. (Ord. 396 § 6, 1997).

**5.05.070 Premises inspection.**

(1) The town clerk-treasurer or a designated representative thereof is authorized to make such inspections and take such action as may be required to enforce the provisions of this chapter.

(2) Whenever necessary to make an inspection to enforce any of the provisions of any business license ordinance, or whenever the town clerk-treasurer has reasonable cause to believe that a licensee is operating in violation of this chapter, the town clerk-treasurer or his or her designee may enter such licensee's place of business, which is licensed pursuant to this chapter, at all reasonable times to inspect the same or perform any duty imposed on the director by this chapter; provided, that:

(a) If the place of business is occupied, the town clerk-treasurer shall first present proper credentials and demand entry; and

(b) If the place of business is unoccupied, the town clerk-treasurer shall first make a reasonable effort to locate the licensee having charge or control of the place of business and demand entry.

(3) No person shall fail or neglect, after proper demand, to admit the town clerk-treasurer, while acting within the scope of employment, to any place of business pursuant to this chapter, or to interfere with the town clerk-treasurer while in the performance of job duties. (Ord. 396 § 7, 1997).

**5.05.080 Certain exemptions.**

This chapter shall not be construed to apply to churches or purely charitable organizations. (Ord. 396 § 8, 1997).

**5.05.090 Penalties.**

Any person who shall violate or fail to comply with any of the provisions of this chapter shall, upon conviction thereof, be fined in any sum not to exceed \$10,000. (Ord. 396 § 9, 1997).

**Chapter 5.10**

**AMUSEMENT PLACES AND DEVICES**

Sections:

Article I. Public Pool Halls

- 5.10.010 Definition.
- 5.10.020 License required.
- 5.10.030 License – Fee – Issuance.
- 5.10.040 Violation – Penalty.

Article II. Pinball Machines and Punchboards

- 5.10.050 License required – Fees.
- 5.10.060 Pinball machine defined.
- 5.10.070 Installation in place of business.
- 5.10.080 Violation – Penalty.

**Article I. Public Pool Halls**

**5.10.010 Definition.**

Any building, room, or place where billiard or pool tables are kept for hire, or where money or other things of value is charged or received for the use of such tables, is hereby declared to be a public pool hall. (Ord. 56, 1916).

**5.10.020 License required.**

It is hereby declared a misdemeanor for any person, firm, or corporation to conduct or maintain any public pool hall in the town of South Cle Elum without first obtaining a license therefor, and any person found in charge of such public pool hall, whether he be proprietor, owner, clerk or employee, shall be deemed as conducting said place, and every day that any public pool hall shall be kept open without a license shall be deemed a separate offense. (Ord. 56, 1916).

**5.10.030 License – Fee – Issuance.**

(1) The license fee shall be \$5.00 per annum for each pool or billiard table kept in such public pool hall.

(2) The license in this chapter provided shall be issued by the town clerk. Upon the filing with him by the applicant shall be provided



a receipt from the town treasurer, showing said license fee paid. (Ord. 56, 1916).

**5.10.040 Violation – Penalty.**

Any person found guilty and convicted of the violation of any of the provisions of this article shall be guilty of a misdemeanor, and fined in any sum not exceeding \$100.00. (Ord. 56, 1916).

**Article II. Pinball Machines  
and Punchboards**

**5.10.050 License required – Fees.**

It shall be unlawful for any person, firm, or corporation, engaged in the business of distributing and placing pinball machines or punchboards, to place any such pinball machines or punchboard for operation by the public in any public place in the town of South Cle Elum, Washington, without first being licensed to do so by the town council of the town of South Cle Elum, and payment of fees as follows:

(1) For pinball machines, \$10.00 per month for each such machine, to be paid by the distributor.

(2) For punchboards, \$0.50 for each such punchboard, to be paid by the distributor. (Ord. 119 § 1, 1948).

**5.10.060 Pinball machine defined.**

A pinball machine is defined as any machine in which a ball is used in the operation of a game of chance. (Ord. 119 § 2, 1948).

**5.10.070 Installation in place of business.**

It shall be unlawful for the proprietor of any place of business in said town permit a pinball machine or punchboard to be installed in his place of business unless prior thereto the distributor shall have paid to the town of South Cle Elum the required license fees. (Ord. 119 § 3, 1948).

**5.10.080 Violation – Penalty.**

Any violation of this article shall be deemed to be a misdemeanor and shall be punished by a fine of not less than \$5.00 nor more than \$100.00. (Ord. 119 § 4, 1948).

## **Title 6**

### **ANIMALS\***

#### **Chapters:**

##### **6.01 Dog Control**

\* Prior legislation: Ords. 348, 413, 509, 513 and 564.

**Chapter 6.01****DOG CONTROL**

## Sections:

- 6.01.010 Purpose of provisions.
- 6.01.020 Definitions.
- 6.01.030 Dog control zone established.
- 6.01.040 Law enforcement – Dog ordinance – Powers and duties.
- 6.01.050 Violations – Penalties.
- 6.01.060 Habitual violators.
- 6.01.070 Ownership by person under 18 years of age.
- 6.01.080 Abatement of nuisances.
- 6.01.090 Enforcement.
- 6.01.100 Control of dogs.
- 6.01.110 Dog in estrus at large prohibited.
- 6.01.120 Restraint within quarantine area.
- 6.01.130 Removal of dog waste from public areas.
- 6.01.140 Rabies inoculation required.
- 6.01.150 Dog bites to be reported.
- 6.01.160 Impoundment of dogs.
- 6.01.170 Notice of impoundment.
- 6.01.180 Recovery of impounded dogs.
- 6.01.190 Disposition of dogs.
- 6.01.200 Remittance of fees and charges.
- 6.01.210 Dangerous dogs – Registration requirements – Fees.
- 6.01.220 Severability.
- 6.01.230 Immunity.

**6.01.010 Purpose of provisions.**

The purpose of the animal control ordinance codified in this chapter is to enhance public health, safety, and welfare through the regulation of dog ownership and reduce or eliminate offensive animal behavior. (Ord. 634 § 2 (Exh. A), 2023; Ord. 624 § 2 (Exh. A), 2022).

**6.01.020 Definitions.**

The following words and phrases used or referred to in this chapter shall have the following meanings unless a different meaning appears from the context:

(1) “Adult dog” means any dog having a set of permanent canine teeth, or older than six months of age.

(2) “Animal” means any dog, cat, exotic, wild or dangerous animal or livestock.

(3) “At large” means, with regard to dogs, being physically present on public property and not under the actual control of a person, or being physically present on private premises without permission of the person in control of such premises. Exceptions: “At large” does not include:

(a) Dogs exhibited in dog shows, field trials, obedience training or trials, or the training of dogs; or

(b) The use of a dog under the supervision of a person to engage in lawful hunting activities; or

(c) The use of a dog either to control or protect livestock or property or in other related agriculture activities under the supervision of dog owner.

(d) The use of a dog in a law enforcement function.

(4) “Bite” means to seize with teeth or jaws so as to enter, grip, wound or pierce, which causes visible injury.

(5) “Capable person” means any individual having attributes, including physical and mental abilities, sufficient to control an animal and being at least 18 years of age.

(6) “Conviction” has the same meaning as provided in RCW 10.97.030.

(7) “Council” means the town of South Cle Elum town council.

(8) “Dangerous dog” is as defined in RCW 16.08.070.

(9) “Department” means the entity or agency under contract with the town of South Cle Elum to provide law enforcement services within the incorporated town of South Cle Elum area or, in the alternative, the town of South Cle Elum police department.

(10) “Livestock” has the meaning provided in RCW 16.57.010.

(11) “Law enforcement” means the entity or agency under contract with the town of South Cle Elum to provide law enforcement services within the incorporated town of South Cle Elum town limits or, in the alternative, the town of South Cle Elum police department.

(12) “Microchip” means a device implanted for identification purposes.

(13) “Nuisance” means any unlawful act, or failure to perform a duty, which act or failure either annoys, injures, or endangers the comfort, repose, health or safety of other persons, or interferes with other persons’ use of property.

(14) “Owner” means any person or legal entity who knowingly harbors, keeps, possesses or maintains an animal, or who encourages an animal to remain about their property for a period of 72 hours or more, or who is the person named on the license/registration record of any animal as the owner. The parent or guardian of an owner under 18 years of age shall be deemed the owner for the purposes of this chapter.

(15) “Permit” means and includes human conduct that is intentional, deliberate, careless, inadvertent or negligent in relation to any animal owned by the person.

(16) “Person” means any individual or natural person at least 18 years of age, association, firm, partnership, corporation or other legal entity.

(17) “Physical injury” means impairment of physical condition or substantial pain which is directly caused by a dog’s behavior, and includes scratches, scrapes, cuts, punctures or other evidence of physical injury, but not to include dog bite or bites.

(18) “Potentially dangerous dog” is as defined in RCW 16.08.070, and in addition includes any dog at large in a pack of three or more.

(19) “Premises” means the area of land to which a person has legal rights of possession, use and control.

(20) “Quarantine area” means any area defined by, but not limited to, a veterinarian, physician, public health official, or animal control officer, or animal control facility under contract with the town where, for a specified period of time, a dog is to be kept separated from other animals or people.

(21) “Secure enclosure” has the same meaning as “proper enclosure of a dangerous dog” defined in RCW 16.08.070.

(22) “Severe injury” has the same meaning as in RCW 16.08.070.

(23) “Tag” means a pre-numbered metal or plastic identification license sold to an owner/custodian for a specific pet animal. Rabies identification or other identification may not be substituted or accepted in lieu of a license tag.

(24) “Tattoo” means a pre-designated identification number inked into the inside of the ear, lip or flank of the dog.

(25) “Town” means the town of South Cle Elum. (Ord. 634 § 2 (Exh. A), 2023; Ord. 624 § 2 (Exh. A), 2022).

#### **6.01.030 Dog control zone established.**

Pursuant to Chapter 16.10 RCW, the incorporated territory of the town of South Cle Elum is hereby declared to a dog control zone subject to the regulations of this chapter. (Ord. 634 § 2 (Exh. A), 2023; Ord. 624 § 2 (Exh. A), 2022).

#### **6.01.040 Law enforcement – Dog ordinance – Powers and duties.**

Law enforcement shall have the authority to:

(1) Enforce the provisions of this chapter, the town code and the laws of the state of Washington relating to dogs, and discharge the duties provided herein.

(2) Collect, according to the provisions of the town code, any costs, fees or charges for registration, licensing and impounding or keeping any dog. (Ord. 634 § 2 (Exh. A), 2023; Ord. 624 § 2 (Exh. A), 2022).

#### **6.01.050 Violations – Penalties.**

It is unlawful for any person to violate any provision of this chapter. Any person violating any of the provisions of this chapter shall be guilty of a civil infraction, except that any person who violates SCEMC 6.01.060 or 6.01.070 shall be guilty of a misdemeanor. Upon conviction of any misdemeanor violation of this chapter, such person shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 90 days, or by both such fine and imprisonment. Unless otherwise specified in this chapter, any person found guilty of a civil infraction of this chapter shall be fined \$125.00 for each violation. Any

violation of this chapter may result in the dog being impounded, and/or destroyed by order of the court. (Ord. 634 § 2 (Exh. A), 2023; Ord. 624 § 2 (Exh. A), 2022).

#### **6.01.060 Habitual violators.**

(1) Having been convicted of two or more criminal violations of this chapter, whether singularly or in combination within a five-year period; or

(2) Having been found to have committed four or more civil infractions of this chapter, whether singularly or in combination within a five-year period, shall be guilty of a misdemeanor as set out in SCEMC 6.01.050. (Ord. 634 § 2 (Exh. A), 2023; Ord. 624 § 2 (Exh. A), 2022).

#### **6.01.070 Ownership by person under 18 years of age.**

Any person under the age of 18 years old who owns any dangerous animal as defined in RCW 16.08.070 shall be guilty of a misdemeanor as set out in SCEMC 6.01.050. (Ord. 634 § 2 (Exh. A), 2023; Ord. 624 § 2 (Exh. A), 2022).

#### **6.01.080 Abatement of nuisances.**

Violations of this chapter are deemed public nuisances. Any person violating any provision of this chapter may be enjoined from continued violations or ordered to abate such public nuisance, whether such injunction be in addition to the civil penalties provided as a part of the disposition in the civil prosecution or in an independent action in equity and shall be liable for all costs and expenses of abating the same. (Ord. 634 § 2 (Exh. A), 2023; Ord. 624 § 2 (Exh. A), 2022).

#### **6.01.090 Enforcement.**

Law enforcement shall not be required to enforce provisions of this chapter except within available resources and:

(1) Upon receipt of a verbal or written complaint of a person who has satisfactorily identified himself to the department and is willing to testify that the dog has acted in a manner that puts the animal in the definition of SCEMC 6.01.020(3), (8) or (18). The com-

plainant has either supplied the name and address of the dog owner or has supplied the fact that the dog does not have an owner; or actions of the dog in question are witnessed by an animal control authority or law enforcement officer; or dog bite reports filed with the animal control authority as required by this chapter or state law. (Ord. 634 § 2 (Exh. A), 2023; Ord. 624 § 2 (Exh. A), 2022).

#### **6.01.100 Control of dogs.**

It is unlawful for any owner to permit any dog to be at large. (Ord. 634 § 2 (Exh. A), 2023; Ord. 624 § 2 (Exh. A), 2022).

#### **6.01.110 Dog in estrus at large prohibited.**

It is unlawful for any person to permit a female dog in estrus, also known as being in season or in heat, to be accessible to any male dog not owned by the female dog's owner, except by the agreement of the owners of both the male and female dogs for the purpose of controlled breeding for the betterment of the breed. Any person found guilty of a violation of this section shall be fined \$225.00 for each violation. (Ord. 634 § 2 (Exh. A), 2023; Ord. 624 § 2 (Exh. A), 2022).

#### **6.01.120 Restraint within quarantine area.**

It is unlawful for any person to permit any dog to leave the confines of any quarantine area. Any person found guilty of a violation of this section shall be fined \$500.00 for each violation. (Ord. 634 § 2 (Exh. A), 2023; Ord. 624 § 2 (Exh. A), 2022).

#### **6.01.130 Removal of dog waste from public areas.**

It is unlawful for the owner or other person with custody of a dog to fail to remove any feces excreted by the dog from any public place not designed to receive dog waste, including without limitation streets, sidewalks, parking strips and public parks, or any private place off the dog owner's premises. Any person found guilty of a violation of this section shall be fined \$125.00 for each violation. (Ord. 634 § 2 (Exh. A), 2023; Ord. 624 § 2 (Exh. A), 2022).

**6.01.140 Rabies inoculation required.**

(1) Dog owners shall have their dogs vaccinated and revaccinated against rabies following veterinary and USDA-licensed rabies vaccine manufacturer instructions.

(2) Any dog without documentation of current rabies vaccination that has bitten any person shall immediately be confined for a period of 10 days, or euthanized by a licensed veterinarian. The location of confinement shall be determined by the health department and shall be at the expense of the owner or custodian. The period of confinement shall not be required if the dog is euthanized by a licensed veterinarian; however, the owner or custodian shall bear the cost of euthanasia.

(3) It is unlawful for any person to release a quarantined dog from confinement until such release has been approved by the health department.

(4) It is unlawful for the owner of any dog without documentation of current rabies vaccination that has bitten any person to destroy such dog before it can be confined by the health department or euthanized by a licensed veterinarian, unless the dog is destroyed in order to stop an attack. The owner or custodian of any such dog that has been reported as having inflicted a bite on any person shall on demand of the health department produce such dog for examination and quarantine as prescribed in this section. The failure of such owner or custodian to comply with such order may be prosecuted as a violation of RCW 70.05.120 pursuant to WAC 246-100-070(3). If the owner or custodian knowingly conceals or refuses to produce the dog, each day of concealment or refusal to produce shall constitute a separate and individual violation of this section.

If any dog under quarantine becomes ill or dies while under observation, the health department shall immediately notify the town health officer and take immediate action to obtain veterinary evaluation and/or a pathological exam, as required by the health officer. The health officer shall be provided any reports of human contact with the dog. (Ord. 634 § 2 (Exh. A), 2023; Ord. 624 § 2 (Exh. A), 2022).

**6.01.150 Dog bites to be reported.**

Any person who is bitten by a dog and is exposed to dog saliva through an open wound on the person, or any doctor, veterinarian or hospital employee having information that a person has been bitten by a dog and been exposed to dog saliva through an open wound within the incorporated territory of the town shall notify the department of such bite or exposure, giving the description of the dog, the name and address of the owner, and the location of the incident, if known to said person. (Ord. 634 § 2 (Exh. A), 2023; Ord. 624 § 2 (Exh. A), 2022).

**6.01.160 Impoundment of dogs.**

Dogs found or reasonably believed to be kept in violation of this chapter may be impounded by the department; provided, that if a complaint identifying the dog owner of a dog at large is received and the dog owner can be immediately located, the dog shall be left with the dog owner, and a summons and notice to appear in regard to the violation may be issued to such dog owner. The owner or custodian of any impounded dog shall be responsible for all costs to impound and care for the dog. Any dog which has been impounded and appears sick or injured may be referred to a licensed veterinarian for medical care at the discretion of the department. All costs for medical care shall also be the responsibility of the owner or custodian. (Ord. 634 § 2 (Exh. A), 2023; Ord. 624 § 2 (Exh. A), 2022).

**6.01.170 Notice of impoundment.**

(1) The department or its designee shall within 24 hours after impounding any dog, or the next business day:

(a) Attempt to contact the animal owner by phone; and

(b) Leave a written notice at home or by mail to the registered owner of the dog containing:

(i) A notice of the impoundment of such dog; and

(ii) The terms upon which such dog can be released; and

(iii) The consequences of failure to obtain the release of any dog within 48 hours,

exclusive of holidays and Sunday, from the time of impounding, are that the dog may be put to death, or otherwise disposed of as directed by law enforcement or his/her designee.

(2) If the owner of any impounded dog is unknown, then the department or its designee shall within 24 hours of impoundment or by the end of the next business day post at the animal shelter a notice of impoundment describing the dog. (Ord. 634 § 2 (Exh. A), 2023; Ord. 624 § 2 (Exh. A), 2022).

#### **6.01.180 Recovery of impounded dogs.**

(1) A dog wearing a dog tag, tattoo or microchip may be recovered within five business days of impoundment. Dogs not wearing a dog tag, tattoo or microchip may be recovered within three business days of impoundment. Injured or sick dogs shall be exempt from these recovery periods.

(2) Dogs may be recovered only by a person who offers satisfactory proof of ownership or authorization to obtain custody of the dog, presents satisfactory proof of current rabies vaccination and who pays the charges for recovering impounded dogs as established by the department. (Ord. 634 § 2 (Exh. A), 2023; Ord. 624 § 2 (Exh. A), 2022).

#### **6.01.190 Disposition of dogs.**

(1) A dog which has not been recovered within the applicable time frame after impoundment as set forth in this chapter may be sold, offered for legal adoption or destroyed.

(2) A dog voluntarily given to the department by the dog owner for the purpose of disposal may be sold, offered for legal adoption or destroyed forthwith without awaiting expiration of recovery period. (Ord. 634 § 2 (Exh. A), 2023; Ord. 624 § 2 (Exh. A), 2022).

#### **6.01.200 Remittance of fees and charges.**

Where dogs are impounded in an animal shelter under contract with the town, the impoundment charge, additional charges, and applicable fines shall be remitted to the shelter. (Ord. 634 § 2 (Exh. A), 2023; Ord. 624 § 2 (Exh. A), 2022).

#### **6.01.210 Dangerous dogs – Registration requirements – Fees.**

(1) In addition to any other registration and licensing requirements provided in this chapter, it is unlawful for a person to keep any dog which is considered a dangerous dog in the town without a certificate of registration issued under this section. This section shall not apply to dogs used by law enforcement officials for police work. Any person found guilty of violation of this section shall be fined \$500.00 for each violation.

(2) The department shall issue a certificate of registration to the owner of a dangerous dog if the owner presents to the department sufficient evidence of compliance with the requirements of RCW 16.08.080.

(3) A fee shall be set by the legislative body on an interim basis as part of the law enforcement's fee schedule. A fee of \$150.00 shall be paid to the department by any person seeking to register a dangerous dog. (Ord. 634 § 2 (Exh. A), 2023; Ord. 624 § 2 (Exh. A), 2022).

#### **6.01.220 Severability.**

Should any section or provision of the ordinance codified in this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this chapter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. (Ord. 634 § 2 (Exh. A), 2023; Ord. 624 § 2 (Exh. A), 2022).

#### **6.01.230 Immunity.**

The town of South Cle Elum, the animal control authority and the animal control officer shall be immune from any and all civil liability for any actions taken pursuant to this chapter, or for any failure to take action to enforce the provisions of this chapter. It is not the purpose or intent of this chapter to create on the part of the town of South Cle Elum or its agents any special duties or relationships with specific individuals. (Ord. 634 § 2 (Exh. A), 2023; Ord. 624 § 2 (Exh. A), 2022).

**Title 7**  
**(Reserved)**



## **Title 8**

### **HEALTH AND SAFETY**

#### **Chapters:**

- 8.05 Nuisances**
- 8.10 Junk Vehicles**
- 8.15 Fireworks**
- 8.20 Garbage and Solid Waste Management**
- 8.25 Parks**
- 8.30 Camping**

**Chapter 8.05****NUISANCES**

## Sections:

- 8.05.010 Definition.
- 8.05.020 Specific public nuisance declared.
- 8.05.030 Nuisances declared unlawful.
- 8.05.040 Enforcement by authorized official.
- 8.05.050 Violations deemed infractions.
- 8.05.055 Joint and several responsibility and liability.
- 8.05.060 Violations – Enforcement.
- 8.05.070 Order to correct violation.
- 8.05.075 Abatement by town – Costs – Lien.
- 8.05.080 Notice of infraction.
- 8.05.090 Failure to comply.
- 8.05.100 Contested hearing.
- 8.05.110 Mitigation hearing.
- 8.05.120 Penalties.
- 8.05.130 Nature of proceedings.

**8.05.010 Definition.**

The term “public nuisance” is defined to be an act or omission to act, or a condition of or use of property which either annoys, injures or endangers the comfort, repose, health or safety of the public, offends public decency, decreases the value of nearby property, or in any way renders other persons insecure in life or in the use of property. (Ord. 377 § 1, 1995).

**8.05.020 Specific public nuisance declared.**

The following specific acts, omissions, places, conditions and things are hereby declared to be a nuisance: maintaining, using, placing, depositing, causing, allowing, leaving or permitting to be or remain in or upon any private lot, building structure, or premises, or in or upon any street, avenue, alley, park, parkway or other public or private place in the town of South Cle Elum, or any one or more of the following places, conditions, things, or acts to the prejudice, danger or annoyance of others:

(1) Potential Pest or Vermin Habitat, Health or Fire Hazard Conditions. Any areas or features of a property including but not limited to privies, vaults, cesspools, sumps, pits or

like places which are malodorous, endanger property or public safety, constitute a health or fire hazard, or a pest or vermin habitat;

(2) Trash Covered Premises. Any premises containing trash or abandoned materials, except that which is kept in garbage cans or containers maintained for regular collection;

(3) Dangerous Structures. Any dangerous, decaying, unkempt, falling or damaged dwelling, fence, or other structure;

(4) Potential Pest or Vermin Habitat, Health or Fire Hazard Conditions. Any accumulation of material on a property including, but not limited to, animal matter, ashes, bottles, boxes, broken stone, building materials which are not properly stored or neatly piled, cans, cement, crates, empty barrels, dead animals or animal waste, glass, litter, mattresses or bedding, old appliances or equipment or any parts thereof, furniture, iron or other scrap metal, packing cases, packing material, plaster, plastic, rags, wire, yard waste or debris or other objects which endanger property or public safety, or constitute a health or fire hazard or pest or vermin habitat; provided, that nothing herein shall prevent the temporary retention of waste in approved, covered receptacles;

(5) Junk Vehicles. Any wrecked, inoperable, abandoned or disassembled trailer, house trailer, boat, tractor, automobile or other vehicle, or any parts thereof. A junk vehicle includes apparently inoperable, immobile, disassembled or extensively damaged vehicles. Evidence of inoperability and damage includes, but is not limited to, a buildup of debris that obstructs use, a broken window or windshield, a missing wheel, a flat tire, a non-functional motor or transmission, missing bumpers, or missing license plates; provided nothing herein shall prevent the keeping or storage of any vehicle on private property which is screened from view;

(6) Attractive Nuisances. Any attractive nuisance which may prove detrimental to children, whether in or on a building, on the premises of a building, or upon an unoccupied lot, which is left in any place exposed or accessible to children including unfenced areas. This includes unused or abandoned refrigerators, freezers, or other large appliances or equip-

ment or any parts thereof; abandoned motor vehicles; any structurally unsound or unsafe fence or edifice; any unsecured or abandoned excavation, pit, well, cistern, storage tank or shaft; any building or structure commenced and left unfinished; and any lumber, trash, debris or vegetation which may prove a hazard for minors;

(7) Obstructions to the Public Right-of-Way. Use of property abutting a public street or sidewalk or use of a public street or sidewalk which causes any obstruction to traffic or to open access to the streets or sidewalks; provided, that this subsection shall not apply to events, parades, or the use of the streets or public rights-of-way when authorized by the town. This section includes the existence of drainage onto or over any sidewalk, street or public right-of-way, and the existence of any debris or plant growth on sidewalks adjacent to any property;

(8) Vegetation. Any noxious or toxic weed or uncultivated plant, weed or tall grass which may be a fire hazard, or any tree which is in danger of falling and creates a substantial risk of damage or injury;

(9) Animals. The keeping or harboring of any animal which by frequent or habitual howling, yelping, barking or the making of other noises, or the keeping or harboring of any fowl which by frequent habitual crowing or the making of other noises, shall annoy or disturb a neighborhood or any considerable number of persons;

(10) Illegal Dumping. Dumping of any type by any person on public or private property not registered as a legal dump site or dumping, depositing, placing or leaving of any garbage, ashes, debris, gravel, earth, rock, stone or other material upon the banks, channels, beds or bars of any navigable water; or the felling of any tree or trees, so that the same shall in whole or in part project within the high water bank of any navigable watercourse; or the casting, placing, depositing or leaving of any logs, roots, snags, stumps or brush upon the banks or in the bed or channel of any navigable watercourse;

(11) Dangerous Materials. Any poisonous or harmful substance which is reasonably accessible to persons or to animals or the burning of material in a manner that causes smoke, ashes or gases arising from such burning to become discomforting or annoying, or to injure or endanger the health of any person or neighborhood;

(12) Property Maintenance. Every owner or occupant of a dwelling unit located in proximity to another occupied or unoccupied dwelling unit shall keep the yard space thereof reasonably neat and clean and free of uncut grass, weeds, and brush which may endanger property or public safety, or constitute a health or fire hazard, or pest or vermin habitat. Every owner of a vacant lot or building located in close proximity to another occupied dwelling unit shall keep the premises reasonably neat and clean and free of uncut grass, weeds and brush which may which endanger property or public safety, or constitute a health or fire hazard, or pest or vermin habitat. (Ord. 561 § 1, 2015; Ord. 377 § 2, 1995).

#### **8.05.030 Nuisances declared 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 town and are subject to the penalties prescribed in this chapter. (Ord. 423 § 1, 2000).

#### **8.05.040 Enforcement by authorized official.**

Only an authorized official may enforce the provisions of this title. For purposes of this title, an authorized official is defined as any of the following:

(1) The chief of the Cle Elum police department and his or her authorized representatives shall have the authority to enforce the provisions of this title.

(2) The city of Cle Elum prosecuting attorney shall have the authority to enforce the provisions of this title and may institute any legal proceedings necessary to enforce the provisions of this title.

(3) The mayor of the town of South Cle Elum, or the town superintendent or town attorney, as the mayor's designee, shall have the authority to enforce the provisions of this title. (Ord. 425 § 2, 2000; Ord. 423 § 2, 2000).

#### **8.05.050 Violations deemed infractions.**

Any person who causes, maintains, aids or abets a nuisance; does an unlawful act under this chapter; fails to perform a required act or obligation under this chapter; or allows or permits a nuisance or an unlawful act or omission under this chapter to occur on property that person owns, occupies, or has legal control over; is in violation of this chapter and shall be deemed to have committed a civil infraction. Each such violation shall constitute a separate civil infraction for each and every day or portion thereof during which such violation is committed, continued or permitted. (Ord. 561 § 2, 2015; Ord. 423 § 3, 2000).

#### **8.05.055 Joint and several responsibility and liability.**

Responsibility for violations of this chapter is joint and several, both as to duty to correct and to payment of monetary penalties and costs, and the town is not prohibited from taking action against a party where other persons may also be potentially responsible for a violation, nor is the town required to take action against all persons potentially responsible for a violation. (Ord. 561 § 3, 2015).

#### **8.05.060 Violations – Enforcement.**

(1) Any authorized official under SCEMC 8.05.040 may investigate alleged or apparent violations of this title.

(2) If an authorized official makes a determination that a violation has occurred or is occurring, that official shall pursue reasonable attempts to secure voluntary correction by issuing an order to correct violation. An authorized official may issue a notice of infraction if that official reasonably believes a violation has occurred and that violation is not corrected by the date set forth on the order to correct violation. (Ord. 423 § 4, 2000).

#### **8.05.070 Order to correct violation.**

(1) An order to correct violation is issued in an effort to secure voluntary correction within 30 calendar days of the receipt of the notification; provided, that if the public health or safety is in immediate danger, the date of correction may be of shorter duration.

(2) The order to correct violation shall contain:

(a) The name and address of the property owner or the other person(s) to whom the order to correct violation is directed; and

(b) 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; and

(c) A description of the violation and a reference to that provision of the South Cle Elum Municipal Code which is alleged to have been violated; and

(d) A statement of the action required to be taken to correct the violation and a date or time by which correction is to be completed; and

(e) A statement that failure to respond to the order to correct violation within 30 calendar days will result in the issuance of a notice of infraction and the commencement of a monetary penalty in an amount per day for each violation assessed against the person(s) to whom the order to correct violation is directed for each and every day, or portion thereof, on which the violation continues following the date set for correction; and

(f) The signature of the authorized official who issues the order to correct violation.

(3) The order to correct violation is issued to the property owner or to any person causing, allowing, or participating in the alleged violation. The order to correct violation shall be served upon the person to whom it is directed by mailing a copy of the order by certified mail, postage prepaid, return receipt requested, to such person at his or her last known address and, where possible, posting a copy of the order conspicuously on the affected property or structure. Proof of service shall be made at the time of service by a written declaration under penalty of perjury executed by the per-

son effecting the service, declaring the location, time, and date of service and the manner in which service was made.

(4) Upon written agreement between an authorized official and the party allegedly in violation, the parties may agree to an extension of time to correct the violation.

(a) The extension of time shall include a date certain in the future upon which correction of the violation is to be complete.

(b) The extension of time shall be granted only upon a showing of good cause as demonstrated in the written agreement. Factors to be considered for good cause include, without limitation:

(i) Substantial completion of the necessary correction;

(ii) Unforeseeable circumstances which render completion of the necessary correction impossible by the date established;

(iii) A proposed phased removal plan that extends beyond the established correction date.

(5) When an order to correct violation has been previously issued for the same offense to the same person at the same location, the authorized official is not required to issue an order to correct violation and may immediately issue a notice of infraction. (Ord. 423 § 5, 2000).

#### **8.05.075 Abatement by town – Costs – Lien.**

(1) Abatement by Town. The town may perform any abatement required to eliminate any nuisance where a violator has been found to have committed a violation or infraction under this chapter, has failed to comply with any agreement to abate under this chapter, or has otherwise found to be maintaining a nuisance. The town may utilize town employees or a private contractor under town direction to accomplish the abatement. The town, its employees and agents using lawful means are expressly authorized to enter upon the property of the violator for such purposes. Nothing in this chapter shall prohibit the town from pursuing abatement of a violation pursuant to any other laws of the state of Washington or the town.

(2) Summary Abatement. Whenever any violation causes a condition, the continued existence of which constitutes an immediate threat to the public health, safety or welfare or to the environment, the town 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 town or its agents, officers, or employees for actions reasonably taken to prevent or cure any such immediate threats, but neither shall the town 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.

(3) Obstruction with Work Prohibited. No person shall obstruct, impede or interfere with the town, its employees or agents, or any person who owns or holds any interest or estate in any property in the performance of any necessary act preliminary or incidental to carrying out an abatement.

(4) Recovery of Costs. The town shall bill its costs, including incidental expenses, of pursuing code compliance and/or of abating a violation to the person responsible for the violation, and/or against the subject property. Such costs shall become due and payable 30 days after the date of the bill. The term “incidental expenses” shall include, but not be limited to, personnel costs, both direct and indirect, including attorneys’ fees incurred by the town; costs incurred in documenting the violation; the actual expenses and costs to the town in the preparation of notices, specifications and contracts, and in inspecting the work; hauling, storage and disposal expenses; the cost of any required printing and mailing; and interest. The town manager or designee, or the hearing examiner, may in his or her discretion waive in whole or part the assessment of any costs upon a showing that abatement has occurred or is no longer necessary, or that the costs would cause a significant financial hardship for the responsible party. Any challenge to the amount of the abatement costs must be made within 14 days of issuance of the bill and

shall be heard by the mayor in an informal hearing. The mayor shall make a written determination as to whether or not the town's costs were accurate and necessary for accomplishing the abatement.

(5) Payment of Monetary Penalties and Costs. Any monetary penalties or costs assessed pursuant to this chapter constitute a personal obligation of the person responsible for the violation. In addition, the monetary penalties or costs assessed pursuant to this chapter may be assessed against the property that is the subject of the enforcement action. The town attorney is authorized to collect the monetary penalty or costs by use of appropriate legal remedies, the seeking or granting of which shall neither stay nor terminate the accrual of additional per diem monetary penalties so long as the violation continues. The town may incorporate any outstanding penalty or cost into an assessment lien if the town incurs costs of abating the violation. Any monetary penalty assessed must be paid in full to the town within 30 days from the date of service of an uncontested notice of violation or any order of the hearing examiner that assesses monetary penalties.

(6) Use of Collection Agency. Pursuant to Chapter 19.16 RCW, as currently enacted or hereafter amended, the town may, at its discretion, use a collection agency for the purposes of collecting penalties and costs assessed pursuant to this chapter. The collection agency may add fees or interest charges to the original amount assigned to collections as allowed by law. No debt may be assigned to a collection agency until at least 30 calendar days have elapsed from the time that the town attempts to notify the person responsible for the debt of the existence of the debt and that the debt may be assigned to a collection agency for collection if the debt is not paid. Notice of potential assignment to collections shall be made by certified mail, return receipt requested, to the last known address of the person responsible for the violation; provided, inability to ascertain a current mailing address shall not prohibit the debt from being assigned to collections.

(7) Assessment Lien. If penalties or costs assessed against a property are not paid within 30 days, the town clerk shall certify to the county treasurer the confirmed amount for assessment on the tax rolls. The county treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates as provided in RCW 84.56.020, as now or hereafter amended, for delinquent taxes, and when collected to be deposited to the credit of the general fund of the town. The lien shall be of equal rank with the state, county and municipal taxes. The validity of any assessment made under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced within 15 calendar days after the assessment is placed upon the assessment roll. The town attorney may also file a lien for such costs against the real property.

(8) Continuing Duty to Abate Violations. Payment of a monetary penalty or costs pursuant to this chapter does not relieve the person responsible for the violation of the duty to correct or abate the violation. Additional notices of violation may be issued and/or criminal charges filed for continuing failure to correct or abate a violation. (Ord. 561 § 4, 2015; Ord. 425 § 1, 2000).

#### **8.05.080 Notice of infraction.**

An authorized official may issue a notice of infraction where that official reasonably believes that a violation has occurred or is occurring and where the time for correction has expired.

(1) A notice of infraction shall contain the following:

(a) A statement indicating a determination has been made that the civil infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this title;

(b) A statement of the specific civil infraction(s) alleged to have been committed for which the notice of infraction was issued;

(c) A statement that the civil infraction is a noncriminal offense for which imprisonment shall not be imposed as a sanction;

(d) A list of options provided in this chapter for responding to the notice of infraction and the procedures necessary to exercise these options;

(e) A statement that at any hearing to contest the determination of infraction, the burden is on the town to establish that the infraction was committed by a preponderance of the evidence and that the person may produce witnesses, including the authorized official who issued and/or served the notice of infraction;

(f) A statement that the person alleged to have committed the infraction promises to respond to the notice of infraction in a manner consistent with this title, and a space for the alleged violator's signature;

(g) A statement that refusal to sign the notice of infraction as directed in subsection (1)(f) of this section shall constitute a determination that the person to whom the notice was issued committed the infraction;

(h) The amount of the penalty for the alleged infraction; and

(i) The name and signature of the authorized official issuing the notice of infraction as well as the time and place the notice was issued.

(2) An authorized official may issue a notice of infraction if that official reasonably believes the provisions of this chapter have been violated and good cause for extension has not been provided by the person to whom the order to correct was issued. A notice of infraction may be served by:

(a) An authorized official delivering the notice of infraction to the person named on the notice of infraction; or

(b) An authorized official filing the notice of infraction with the district court, in which case the court shall have the notice served either personally or by mail, postage prepaid on the person named in the notice of infraction at his or her last known address.

(3) A notice of infraction shall be filed in district court within 48 hours of issuance, excluding Saturdays, Sundays, and holidays.

Upper Kittitas County District Court shall have jurisdiction to hear and determine these matters.

(4) A notice of infraction represents a determination that the person to whom the notice was issued committed the infraction unless contested under the provisions of this title.

(5) A person who has been served with a notice of infraction shall respond to the notice as provided within this section within 15 days of the date the notice was served.

(6) If the person named in the notice of infraction does not contest the determination, the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the court specified in the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records, and a record of the response order shall be furnished to the town clerk.

(7) If the person named in the notice of infraction wishes to contest the determination, the person shall respond by completing the portion of the notice requesting a hearing and submitting it, either by mail or in person, to the court specified in the notice. The court shall notify the person in writing of the time, place and date of the hearing. The date of the hearing shall not be earlier than seven days nor more than 90 days from the date of the notice of the hearing, except by agreement.

(8) If the person determined to have committed the civil infraction does not contest the determination, but wishes to explain mitigating circumstances surrounding the infraction, the person shall respond by completing the portion of the notice of infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be earlier than seven days nor more than 90 days from the date of the notice of the hearing, except by agreement.

(9) If the person named on the notice of infraction is found by the court to have committed the infraction the court shall assess a monetary penalty for the violation.

(10) The court may notify the town attorney of a failure to respond to the notice of infraction if the person named on the notice fails to respond to the notice of infraction pro-

vided in subsection (6) of this section or fails to appear at a hearing requested pursuant to subsection (7) or (8) of this section. The court shall notify the town clerk of any judgment entered and the reasons therefor. (Ord. 423 § 6, 2000).

#### **8.05.090 Failure to comply.**

(1) Delinquent accounts with the court may be referred to an agency for collection.

(2) An authorized official may, but need not, appear in any proceedings under this title, notwithstanding any statute or court rule to the contrary. (Ord. 423 § 7, 2000).

#### **8.05.100 Contested hearing.**

(1) A hearing held to contest the determination that an infraction has been committed shall be without a jury.

(2) The court may consider the notice of infraction and any sworn statements submitted by the authorized official who issued and served the notice in lieu of his or her personal appearance at the hearing. The person named in the notice may produce witnesses, including the authorized official who has issued and served the notice, and has the right to present and examine witnesses in court.

(3) The burden of proof is on the town to establish the commission of the infraction by a preponderance of the evidence.

(4) After consideration of the evidence and argument, the court shall determine whether the infraction was committed. If it has not been established that the infraction was committed, an order dismissing the notice shall be entered in the court's records. If it has been established that a civil infraction has been committed, an appropriate order shall be entered in the court's records.

(5) An appeal from the court's determination or order shall be appealable to the superior court in the manner provided by the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ). The decision of the district court is subject only to discretionary review by the superior court. (Ord. 423 § 8, 2000).



**8.05.110 Mitigation hearing.**

(1) A hearing held for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of an infraction shall be an informal proceeding. The determination that a civil infraction has been committed may not be contested at a hearing held for the purpose of explaining mitigating circumstances.

(2) After the court has heard the explanation of the circumstances surrounding the commission of the civil infraction, an appropriate order shall be entered in the court's records.

(3) There shall be no appeal from the court's determination and order at a hearing for the purpose of explaining mitigating circumstances. (Ord. 423 § 9, 2000).

**8.05.120 Penalties.**

(1) A person found to have committed a civil infraction shall be assessed a monetary penalty. The maximum penalty and default amount for civil infraction under this title shall be \$250.00, not including statutory assessments.

(2) Any monetary penalties imposed for a second violation for the same offense by the same person at the same location shall be double that of the initial offense penalty as set forth in subsection (1) of this section. Subsequent violations under this subsection shall also be at a rate of twice that imposed under subsection (1) of this section.

(3) Whenever a monetary penalty is imposed by a court under this title, it is immediately payable to the court. If the person is unable to pay at that time, the court may grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the prosecuting attorney of the failure to pay. The court shall also notify the town clerk of the failure to pay the penalty, and the town shall not issue the person any future permits for any activities and/or work until the monetary penalty has been paid in full. (Ord. 423 § 10, 2000).

**8.05.130 Nature of proceedings.**

Any findings or order that an infraction has been committed under the provisions of this title is civil in nature. (Ord. 423 § 11, 2000).

**Chapter 8.10**

**JUNK VEHICLES**

Sections:

- 8.10.010 Purpose.
- 8.10.020 Definitions.
- 8.10.030 Enforcement authority.
- 8.10.040 Certification and notification.
- 8.10.050 Determination of responsibility.
- 8.10.060 Abatement.
- 8.10.070 Cost of abatement.
- 8.10.080 Exceptions.
- 8.10.090 Determination abatement notice.
- 8.10.100 Public nuisance violation.
- 8.10.110 Penalty.

**8.10.010 Purpose.**

It is the purpose of this chapter to establish procedures for the abatement and removal of junk vehicles as public nuisances and to enhance the aesthetic qualities of the town of South Cle Elum. (Ord. 377 § 3, 1995).

**8.10.020 Definitions.**

For the purpose of this chapter, the following definitions shall be applicable:

(1) "Junk vehicle" means a vehicle meeting at least three of the following requirements:

- (a) Is three years old or older;
- (b) 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;
- (c) Is apparently inoperable;
- (d) Is without a valid registration plate;
- (e) Has a fair market value equal only to the value of the scrap in it.

(2) "Vehicle" means every device capable of being moved upon a roadway and in, upon or by which any person or property is or may be transported or drawn upon a roadway, excepting devices moved by humans or animal power or used exclusively upon stationary rails or tracks. (Ord. 377 § 4, 1995).

**8.10.030 Enforcement authority.**

The mayor or designated official shall enforce this chapter and shall be responsible for the abatement and removal of any vehicle or part thereof declared by this chapter to be a public nuisance. (Ord. 377 § 5, 1995).

**8.10.040 Certification and notification.**

(1) The mayor or designated official may inspect and certify that a vehicle meets the requirements of a junk vehicle. The official making the certification shall record the make and vehicle identification number or license number of the vehicle if available, and shall also describe in detail the damage or missing equipment to verify that the value of the junk vehicle is equivalent only to the value of the scrap in it.

(2) The mayor or designated official shall provide notice to the last registered owner of record as shown on the records of the Washington State Department of Licensing and the property owner of record upon which the vehicle is located, by regular mail, that a hearing may be requested and that if no hearing is requested within 30 days of the date of mailing of the notice, the vehicle will be removed.

(3) If a written request for a hearing is received within the time frame specified above, a notice giving the time, location and date of the hearing on the question of abatement and removal of the vehicle, or part thereof, as a public nuisance shall be mailed, by certified mail with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless a vehicle is in such condition that identification numbers are not available to determine ownership. (Ord. 377 § 6, 1995).

**8.10.050 Determination of responsibility.**

The owner of the property on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing and deny responsibility for the presence of the vehicle on the land, with his or her reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without consent

of the landowner, and that he or she has not subsequently acquiesced in its presence, then cost of administration or removal of the vehicle shall not be assessed against the property upon which the vehicle is located, nor can the cost be collected from the property owner. (Ord. 377 § 7, 1995).

**8.10.060 Abatement.**

After notice has been given of the town of South Cle Elum's intent to abate, remove or dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof shall be removed at the request of the mayor or designated official and disposed of by a licensed vehicle wrecker, hulk hauler, or scrap processor with notice to the Washington State Patrol and Washington State Department of Licensing that the vehicle has been wrecked. (Ord. 377 § 8, 1995).

**8.10.070 Cost of abatement.**

Subject to the provisions of SCEMC 8.10.050, the cost of abatement and removal of a vehicle or part thereof under this chapter including the cost of administration and hearing shall be assessed against the last registered owner of the vehicle if the identity of the owner can be determined, unless the owner in the transfer of ownership of the vehicle has complied with RCW 46.12.101, or the cost may be assessed against the owner of the property on which the vehicle is stored. (Ord. 377 § 9, 1995).

**8.10.080 Exceptions.**

This chapter shall not apply to:

(1) Any vehicle or hulk or part thereof which is completely enclosed within a building in a lawful manner and not visible from the street or other public or private property; or

(2) Any vehicle or hulk or part thereof stored or parked in a lawful manner on private property in connection with the legal business of a licensed dismantled motor vehicle wrecker located on appropriately zoned property and fenced in accordance with the discretion of the town; or

(3) Any vehicle or hulk or part thereof stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or licensed repair facility. (Ord. 377 § 10, 1995).

#### **8.10.090 Determination abatement notice.**

It shall be the duty of the mayor and town council to determine if a public nuisance exists within the town of South Cle Elum. Upon making such determination, the mayor or the mayor's designated official shall serve written notice upon the owner of record, as well as the occupant of the property where the nuisance is located that a resolution will be introduced at a meeting of the town council authorizing the town to remove or abate the public nuisance. The notice shall include:

- (1) A description of the property involved;
- (2) The condition which constitutes the nuisance;
- (3) An order requiring the abatement or removal of the nuisance;
- (4) The date and time of the presentation of the hearing on the resolution authorizing the town to abate or remove the nuisance;
- (5) Notice that if the town removes or abates the nuisance that the cost incurred by the town shall become a charge against the owner and a lien against the property. The notice shall be served in such a manner that the owner and occupant of the property receive it not less than five days prior to the town council meeting at which the resolution will be introduced.
- (6) If a nuisance has not been abated or removed at the time of presentation of the resolution to the town council, the town council may authorize the mayor to cause the nuisance to be abated and removed to become a charge against the owner of the property and a lien against the property.
- (7) Provided that where the nuisance is of such character and is so situated that it can be abated or removed without the unreasonable invasion or destruction of private property, further continuance is likely to result in expense to the town or injury to any person, the mayor may cause the nuisance to be summarily abated. (Ord. 377 § 11, 1995).

#### **8.10.100 Public nuisance violation.**

Any person who acts or fails to act or uses his or her property in such a manner as to create a public nuisance as defined in this chapter shall be guilty of a misdemeanor. (Ord. 377 § 12, 1995).

#### **8.10.110 Penalty.**

Any person found guilty of a misdemeanor under the provisions of the above sections shall be subject to a fine not to exceed \$5,000. Each act herein prohibited of a continuing nature shall be considered a separate offense. (Ord. 377 § 13, 1995).

**Chapter 8.15****FIREWORKS**

## Sections:

- 8.15.010 Purpose.
- 8.15.020 Definition.
- 8.15.030 Prohibition against discharge.
- 8.15.035 Adoption of state statutes.
- 8.15.040 Sale limits.
- 8.15.045 Emergencies – Restrictions on sale and use.
- 8.15.050 Penalty.

**8.15.010 Purpose.**

The town council of the town of South Cle Elum recognizes that there are inordinately high risks to public health and safety within the town 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 in limiting the time during which fireworks may be ignited. (Ord. 546 § 1, 2014; Ord. 368 § 1, 1994).

**8.15.020 Definition.**

“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 RCW. (Ord. 546 § 1, 2014; Ord. 368 § 2, 1994).

**8.15.030 Prohibition against discharge.**

The town council of the town of South Cle Elum prohibits the ignition or discharge of fireworks within the town except pursuant to a state public display permit. (Ord. 546 § 1, 2014; Ord. 368 § 3, 1994).

**8.15.035 Adoption of state statutes.**

The following sections of the Revised Code of Washington, as they now read or as hereafter amended, are hereby adopted by reference as if set out in this section in full:

## RCW

- 70.77.126 Definitions – “Fireworks.”
  - 70.77.131 Definitions – “Display fireworks.”
  - 70.77.136 Definitions – “Consumer fireworks.”
  - 70.77.210 Definitions – “Wholesaler.”
  - 70.77.215 Definitions – “Retailer.”
  - 70.77.410 Public displays not to be hazardous.
  - 70.77.415 Supervision of public displays.
  - 70.77.435 Seizure of fireworks.
  - 70.77.440 Seizure of fireworks – Proceedings for forfeiture – Disposal of confiscated fireworks.
  - 70.77.480 Prohibited transfers of fireworks.
  - 70.77.485 Unlawful possession of illegal fireworks.
  - 70.77.488 Unlawful discharge or use of fireworks – Penalty.
  - 70.77.515 Unlawful sales or transfers of consumer fireworks – Penalty.
- (Ord. 546 § 1, 2014).

**8.15.040 Sale limits.**

The town council of the town of South Cle Elum limits the sale of fireworks within the town. (Ord. 546 § 1, 2014; Ord. 368 § 4, 1994).

**8.15.045 Emergencies – Restrictions on sale and use.**

The fire chief may prohibit the sale, use, and discharge of all fireworks during periods of extreme fire danger. (Ord. 555 § 1, 2015).

**8.15.050 Penalty.**

Any person violating the provisions of this chapter is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$1,000 and by imprisonment for not more than 90 days, or by both such fine and imprisonment. (Ord. 546 § 1, 2014; Ord. 368 § 5, 1994).

**Chapter 8.20**

**GARBAGE AND  
SOLID WASTE MANAGEMENT**

Sections:

- 8.20.010 Regulation of disposal.
- 8.20.020 Definitions.
- 8.20.030 Permit required – License fee.
- 8.20.040 Deposit of waste.
- 8.20.050 Penalty for violation.
- 8.20.060 Adoption of solid waste management plan.

**8.20.010 Regulation of disposal.**

Protection of public health and sanitation requires a permit system for the for-hire collection, removal and disposal of all garbage within the corporate limits of the town of South Cle Elum, and that the town have the right to regulate disposal of such garbage. (Ord. 311 § 1, 1985).

**8.20.020 Definitions.**

(1) “Garbage” means all putrescible and nonputrescible waste including cans, boxes, cartons, bottles, paper, refuse, accumulation of animal, fruit or vegetable matter, liquid or otherwise, waste that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit and vegetables, waste products of coal, wood or other fuels used for heating and cooking.

(2) “Person” means all persons, firms, partnerships, associations, incorporations. (Ord. 311 § 2, 1985).

**8.20.030 Permit required – License fee.**

No person for hire shall collect and/or remove and/or dispose of any garbage within the corporate limits of the town of South Cle Elum without first having made application for a permit to engage in such activity and without having paid a license fee in the amount of \$25.00 per year, and further, have received permission from the town council to engage in such activity. (Ord. 311 § 3, 1985).

**8.20.040 Deposit of waste.**

All garbage 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 town of South Cle Elum. (Ord. 311 § 4, 1985).

**8.20.050 Penalty for violation.**

Any person convicted of violating any of the provisions of this chapter shall be fined in any sum not exceeding \$5,000. (Ord. 311 § 5, 1985).

**8.20.060 Adoption of solid waste management plan.**

The solid waste management plan entitled “A Cooperative Countywide Solid Waste Management Plan for Kittitas County” and dated June 1, 1973 is hereby adopted and by reference made a part of this chapter. (Res. 1973-237).

**Chapter 8.25****PARKS**

## Sections:

- 8.25.010 Applicability.
- 8.25.020 Definitions.
- 8.25.030 Regulations issued by mayor.
- 8.25.040 Park scheduling – Permits and fees.
- 8.25.050 Park hours.
- 8.25.060 Motor vehicle operation and parking.
- 8.25.070 Bicycle operation.
- 8.25.080 Aircraft.
- 8.25.090 Restrictions on animals in parks.
- 8.25.100 Overnight camping.
- 8.25.110 Campfires.
- 8.25.120 Smoking.
- 8.25.130 Litter in parks.
- 8.25.140 Sales/rentals.
- 8.25.150 Signposting and solicitation.
- 8.25.160 Restricted areas.
- 8.25.170 Alcoholic beverages and drugs.
- 8.25.180 Fireworks prohibited in parks.
- 8.25.190 Certain weapons prohibited in parks.
- 8.25.200 Removal or destruction of park property.
- 8.25.210 Encroachments on park property.
- 8.25.220 Infraction – Penalty.

**8.25.010 Applicability.**

This chapter constitutes the general regulations which will be in effect for all town parks and for all other property under the management of the town including, but not limited to, property commonly known as greenways, open spaces, trails, boulevards and plazas. These general regulations are in addition to other applicable town, state, and federal laws. (Ord. 503 § 1 (Att. A), 2010).

**8.25.020 Definitions.**

Whenever used in this chapter the following terms shall be defined as herein indicated:

(1) “Aircraft” means any machine or device designed to travel through the air including but not limited to airplanes, remotely controlled aircraft, helicopters and hot air balloons.

(2) “Alcoholic beverages” or “liquor” includes the four varieties of liquor defined as alcohol, spirits, wine and beer, all fermented, spirituous, vinous, or malt liquor, and all other intoxicating beverages, and every liquor, solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer; all drinks or drinkable liquids and all preparations of mixtures capable of human consumption. Any liquor, semisolid, solid or other substance which contains more than one percent alcohol by weight shall be conclusively deemed to be intoxicating.

(3) “Bicycles” shall mean nonmotorized pedal powered transportation devices including but not limited to bicycles, BMX bikes and mountain bikes.

(4) “Camper” means a motorized vehicle containing sleeping and/or housekeeping accommodations, and shall include a pickup truck with camper, a van-type body, a converted bus, or any similar type vehicle.

(5) “Camping” means erecting a tent or shelter or arranging bedding or both for the purpose of, or in such a way as will permit remaining overnight, or parking a trailer, camper, or other vehicle for the purpose of remaining overnight.

(6) “Campsite” means a designated site used for the purpose of camping.

(7) “Facility” means any building, structure, park or other area operated by the town.

(8) “Group” means a gathering of 50 or more people.

(9) “Litter” means garbage, refuse, rubbish, or any other waste material which, if thrown or deposited as prohibited in this section, tends to create a nuisance which annoys, injures, or endangers the health, safety, or comfort of the public.

(10) “Mechanical trapping device” shall be defined as any device, including but not limited to snares or machines that shut suddenly upon contact by an animal, or a device that kills or inflicts physical pain and injury upon a captured animal.

(11) “Motor vehicle” means any self-propelled device capable of being moved upon a road, and in, upon, or by which any persons or property may be transported or drawn, and

shall include, but not be limited to, automobiles, trucks, all-terrain vehicles, motorcycles, motor scooters, jeeps or similar type four-wheel-drive vehicles, and snowmobiles, whether or not they can be legally operated upon the public highways.

(12) "Person" means all persons, groups, firms, partnerships, corporations, clubs, and all associations or combination of persons whenever acting for themselves or as an agent, servant, or employee.

(13) "Picnic" means an outing with food, usually provided by members of the group and eaten in the open.

(14) "Rocket" means any device containing a combustible substance which when ignited propels the device forward.

(15) "Special event" means any parade, fair, show, festival, carnival, rally, party, filming of a movie, video or television show, motorcade, run, street dance, bike-a-thon, race, walk, athletic event or other attended entertainment or celebration that is to be held in whole or in part upon publicly owned property and/or public rights-of-way, or if held wholly upon private property, but will nevertheless affect or impact the ordinary and normal use by the general public of public property or public rights-of-way within the vicinity of the event.

(16) "Skateboard" means any means of travel with toy wheels.

(17) "Trailer" means a towed vehicle.

(18) "Travel" means all forms of movement or transportation on a trail, including but not limited to foot, bicycle, horse and skateboards. (Ord. 503 § 1 (Att. A), 2010).

#### **8.25.030 Regulations issued by mayor.**

(1) The mayor is authorized to issue regulations for the use of park property, facilities, and equipment and, with the written agreement of the property owner, regulations which shall apply to the use by the public of private property which is open to public access pursuant to a condition of an open space agreement with the town or other agency. To be effective, the regulations must be made part of the town's

policies and procedures manual and copies must be made available to the general public through the town clerk.

(2) All agreements between the town and private owners granting access to open space shall authorize entry upon the land by police officers and other town employees to enforce regulations.

(3) The town assumes no liability for the condition of park property subject to the regulations, for the adequacy of the regulations on park property, or for claims for damages arising from the failure to enforce them. (Ord. 503 § 1 (Att. A), 2010).

#### **8.25.040 Park scheduling – Permits and fees.**

(1) Park facilities are available for public use whenever possible during normal park hours. Reservations or scheduling for use of park facilities is required for any community, special or private event involving more than routine use of a park and is done by contacting the town clerk.

(2) A special event permit is required for those certain uses listed in the town's policies and procedures manual. Permit applications may be obtained from the town clerk.

(3) User fees and completion of a facility reservation form are required for specific park facilities reservations such as park shelters. The fees shall be set by council resolution.

(4) Persons using facilities by permit will be required to protect, save and hold the town, its elected and appointed officials and employees while acting within the scope of their duties, harmless from and against all claims, demands, and causes of action of any kind or character, including the cost of defense thereof, arising in favor of a person or group's members or employees or third parties on account of any action including but not limited to personal injuries, death or damage to property arising out of the use of premises, or in any way arising out of the acts or omissions of the person, group and/or its agents, employees or representatives.

(5) The misuse of a park facility or the failure to conform to the regulations, the instructions of town employees, or the conditions of a



permit will be sufficient reason for denying any future permits or reservations. (Ord. 503 § 1 (Att. A), 2010).

#### **8.25.050 Park hours.**

(1) No person shall enter or be present in a town park area during hours the park is closed except persons using park facilities as part of an event authorized by the town. Park areas are open at 8:00 a.m. and closed at dusk except for activities authorized by the town and unless another opening and/or closing time is established for a particular park, or area of a park, by the town.

(2) No person shall enter a closed park without a special use permit.

(3) A violation of this section is a civil infraction. (Ord. 503 § 1 (Att. A), 2010).

#### **8.25.060 Motor vehicle operation and parking.**

(1) No operator of any motor vehicle shall park such vehicle in any town park area, except where the operator is using the area for the designated recreational purpose and the vehicle is parked either in the designated parking area, or in another area with an approved special event permit. No person shall park, leave standing, or abandon a vehicle in any town park area after park hours except persons using park facilities as part of an event authorized by a special event permit. In addition to the penalties in this section, any vehicle found parked in violation of this section may be towed away at the owner's expense.

(2) No person shall operate a motor vehicle within the boundaries of a town park area except on roads, streets, highways, parking lots, parking areas, or where otherwise permitted by proper posting. Through traffic is not permitted within the boundaries of any town park area or open space.

(3) This section shall not apply to emergency vehicles, town and county maintenance vehicles, or construction vehicles authorized by the town.

(4) No person shall drive a motor vehicle within any town park area at a speed greater than five miles per hour or as otherwise posted, having due regard for traffic on, and the sur-

face and width of the road, and in no event at a speed which endangers the safety of persons, property, or wildlife; provided, however, that in no event shall a vehicle be driven at a speed greater than five miles per hour in camping, picnic, or utility areas, or in areas of general public assemblage.

(5) No person shall clean, wax, polish, service or wash any automobile or other vehicle in any town park area.

(6) No person shall cause a truck or other vehicle while doing commercial business to enter upon, use, or traverse any portion of any town park area or any park road except in the service of the town, at the request of the employees of the town, or by express permission of the town for a special activity not inconsistent with town park use; provided, that the provisions of this section shall not apply to cross streets or state highways.

(7) A violation of this section is a civil infraction. (Ord. 503 § 1 (Att. A), 2010).

#### **8.25.070 Bicycle operation.**

(1) Bicycles may be operated only on paved and graveled areas and/or designated areas within town park property.

(2) A violation of this section is a civil infraction. (Ord. 503 § 1 (Att. A), 2010).

#### **8.25.080 Aircraft.**

(1) Launching, takeoff and landing of aircraft is prohibited in all town parks, except:

(a) Aircraft used to transport injured persons, evacuees, medical personnel or public officials in the event of an accident, disaster or emergency;

(b) Aircraft may be landed in town parks when emergency circumstances prevent landing at other safe locations; provided, that the owner submits a written statement explaining the circumstances of the emergency to the town clerk within 72 hours following the emergency landing;

(c) During a town-sponsored event or with an approved special event permit.

(2) A violation of this section is a civil infraction. (Ord. 503 § 1 (Att. A), 2010).

**8.25.090 Restrictions on animals in parks.**

(1) Dogs shall not be permitted on any park property.

(2) Horses shall not be permitted on any park property. No person shall allow a horse or other animal to stand unattended or insecurely tied.

(3) No person shall hunt, catch, or injure any wild animal or bird on park property.

(4) A violation of this section is a civil infraction. (Ord. 503 § 1 (Att. A), 2010).

**8.25.100 Overnight camping.**

(1) Overnight camping is prohibited on park property except at places set aside for such purposes or by special event permit.

(2) A violation of this section is a civil infraction. (Ord. 503 § 1 (Att. A), 2010).

**8.25.110 Campfires.**

(1) Campfires are prohibited on park property.

(2) A violation of this section is a civil infraction. (Ord. 503 § 1 (Att. A), 2010).

**8.25.120 Smoking.**

(1) Smoking and use of tobacco products are prohibited on park property except in designated areas.

(2) A violation of this section is a misdemeanor. (Ord. 503 § 1 (Att. A), 2010).

**8.25.130 Litter in parks.**

(1) No person shall throw or deposit litter on any park property, except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park, or upon any street or other public place. Where public receptacles are not provided, all litter shall be carried away and properly disposed of.

(2) No person shall use the town's litter receptacles to deposit leaves, clippings, prunings or any gardening refuse in any litter receptacle. No person shall deposit household garbage in any litter receptacle; provided, that this subsection shall not be construed to mean that wastes of food consumed on park property may not be deposited in litter receptacles.

(3) Whenever litter dumped in violation of this chapter contains three or more items bearing the name of one individual, there shall be a rebuttable presumption that the individual whose name appears on such items committed the unlawful act of littering.

(4) A violation of this section is a civil infraction. (Ord. 503 § 1 (Att. A), 2010).

**8.25.140 Sales/rentals.**

(1) The sale of food, drink, other merchandise, or any services on park property is prohibited, unless the seller has either written permission from the town or a concession sales contract with the town.

(2) The rental of any merchandise or materials on park property is prohibited, unless the renter has written permission from the town or a concession contract with the town.

(3) A violation of this section is a civil infraction. (Ord. 503 § 1 (Att. A), 2010).

**8.25.150 Signposting and solicitation.**

(1) It is unlawful to distribute or post any handbills, circulars or place or erect any signboard, sign, advertising, decoration, or similar structure on any park property, without the written permission of the town.

(2) A violation of this section is a civil infraction. (Ord. 503 § 1 (Att. A), 2010).

**8.25.160 Restricted areas.**

(1) It is unlawful for any person except a duly authorized town employee in the performance of his or her duties, or other person authorized by law, to enter or go upon any area which has been designated and posted by the town as a "no admittance" or "closed to use" or "no trespassing" area for the purpose of protecting park property or for protecting the public from conditions which constitute a potential hazard.

(2) It is unlawful for any person to engage in any activity that has been deemed potentially hazardous to public safety or park property, or incompatible with park property usage as designated by the town.

(3) A violation of this section is a misdemeanor. (Ord. 503 § 1 (Att. A), 2010).

**8.25.170 Alcoholic beverages and drugs.**

(1) The possessing, opening or consuming of any alcoholic beverage on park property is prohibited, except in those areas, or at those events that:

(a) Have appropriate licensing from the state of Washington; and

(b) Have written permission of the town and an approved special event permit.

(2) A violation of this section is a civil infraction. (Ord. 503 § 1 (Att. A), 2010).

**8.25.180 Fireworks prohibited in parks.**

(1) No person shall possess, discharge, set off, or cause to be discharged, in or into any town park area, any firecracker, torpedo, firework, explosive, or substance harmful to the life or safety of persons or property, unless so authorized by a special event permit.

(2) A violation of this section is a gross misdemeanor. (Ord. 503 § 1 (Att. A), 2010).

**8.25.190 Certain weapons prohibited in parks.**

(1) No person shall possess a bow and arrow, crossbow, or air, spring or gas weapon in a town park. No person shall discharge across, in, or into any town park area a firearm, bow and arrow, crossbow, or air, spring or gas weapon, or any device capable of injuring or killing any person or animal or damaging or destroying any public or private property.

(2) A violation of this section is a gross misdemeanor. (Ord. 503 § 1 (Att. A), 2010).

**8.25.200 Removal or destruction of park property.**

(1) It is unlawful for any person to remove, injure, deface, damage, or destroy park property. This prohibition applies to all aspects of the natural or landscaped environment and to any structure, object, equipment, improvement, or other park property.

(2) It is unlawful to collect, gather, or harvest natural resources or other materials on park property except by written permission of the town.

(3) A violation of this section is a misdemeanor. (Ord. 503 § 1 (Att. A), 2010).

**8.25.210 Encroachments on park property.**

(1) It is unlawful for any person other than a duly authorized employee or agent of the town to do any of the following acts without the written permission of the town:

(a) Place, erect, or maintain any structure or obstruction of any kind on park property;

(b) Deposit or store any refuse, debris, vegetation, personal property, litter, or any other material on park property;

(c) Mow, prune, cut, clear, plant on, or otherwise alter or disturb any park property.

(2) A violation of this section is a misdemeanor. (Ord. 503 § 1 (Att. A), 2010).

**8.25.220 Infraction – Penalty.**

(1) Any violation of the provisions of this chapter that are designated civil infractions shall subject the violator to the penalties as provided by town ordinance.

(2) The court may also order a person found to have committed a civil infraction to make restitution. (Ord. 503 § 1 (Att. A), 2010).

**Chapter 8.30****CAMPING**

## Sections:

- 8.30.010 Findings.
- 8.30.030 Definitions.
- 8.30.040 Unlawful camping.
- 8.30.050 Unlawful storage of personal property in public places.
- 8.30.060 Penalty for violations.
- 8.30.070 Permit.
- 8.30.080 Camping on private property.

**8.30.010 Findings.**

People camping on public property and on public rights-of-way create a public health and safety hazard due to the lack of proper electrical and/or sanitary facilities for these people. People without proper sanitary facilities have openly urinated, defecated, and littered on public property on the public rights-of-way. Use of public property for camping purposes or storage of personal property interferes with the rights of others to use the areas for which they were intended.

It is the purpose of this chapter to prevent harm to the health or safety of the public and to promote the public health, safety and general welfare by making public streets and other areas readily accessible to the public and to prevent use of public property for camping purposes or storage of personal property which interferes with the rights of others to use the areas for which they were intended.

It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons or individual who will or should be especially protected or benefited by the terms of this chapter.

Nothing contained in this chapter is intended nor shall be construed to create or form the basis of any liability on the part of the town, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the town related in

any manner to the enforcement of this chapter by its officers, employees or agents. (Ord. 566 § 2, 2016).

**8.30.030 Definitions.**

The following definitions are applicable in this chapter unless the context otherwise requires:

“Camp” or “camping” means to pitch, create, use, or occupy camp facilities for the purposes of habitation, as evidenced by the use of camp paraphernalia.

“Camp facilities” include, but are not limited to, tents, huts, temporary shelters, or vehicles.

“Camp paraphernalia” includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or non-town designated cooking facilities and similar equipment.

“Store” means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

“Street” means any highway, lane, road, street, right-of-way, boulevard, alley, and every way or place in the town that is publicly owned or maintained for public vehicular travel.

“Vehicle” means the same as defined in RCW 46.04.670. (Ord. 566 § 2, 2016).

**8.30.040 Unlawful camping.**

During the hours of 6:30 a.m. to 9:30 p.m., it shall be unlawful for any person to camp, occupy camp facilities for purposes of habitation, occupy a vehicle for the purpose of camping, or use camp paraphernalia in the following areas, except as otherwise provided by ordinance or permit: any park; any street; or any publicly owned or maintained parking lot or other publicly owned or maintained area, improved or unimproved. (Ord. 566 § 2, 2016).

**8.30.050 Unlawful storage of personal property in public places.**

During the hours of 6:30 a.m. to 9:30 p.m., it shall be unlawful for any person to store personal property, including camp facilities (other than vehicles) and camp paraphernalia, in the

following areas, except as otherwise provided by ordinance or permit: any park; any street; or any publicly owned or maintained parking lot or publicly owned or maintained area, improved or unimproved. (Ord. 566 § 2, 2016).

#### **8.30.060 Penalty for violations.**

Violation of any of the provisions of this chapter is a misdemeanor. Any person violating any of the provisions of this chapter shall, upon conviction of such violation, be punished by a fine of not more than \$1,000 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment. (Ord. 566 § 2, 2016).

#### **8.30.070 Permit.**

The mayor, or his/her designee, is authorized to permit persons to camp, occupy camp facilities, use camp paraphernalia, or store personal property in parks, streets, or any publicly owned parking lot or publicly owned area, improved or unimproved, in the town of South Cle Elum, in consultation with the appropriate officials.

The mayor, or his/her designee, may approve a permit as provided under this section when, he or she finds that:

- (1) Adequate sanitary facilities are provided and accessible at or near the proposed camp site;
- (2) Adequate trash receptacles and trash collection are provided; and
- (3) The camping activity will not unreasonably disturb or interfere with the safety, peace, comfort repose of private property owners.

The mayor, or his/her designee, is authorized to revoke a permit that has been issued if he or she finds lack of compliance with any requirement of the permit, or of any other rule or regulation. The mayor or designee may set a reasonable fee to issue the permit. If the applicant is indigent or has no other reasonable place to stay, any fee is waived. (Ord. 566 § 2, 2016).

#### **8.30.080 Camping on private property.**

- (1) Camping is prohibited on private property without the owner's express consent.

(2) Camping is prohibited on private property if there are no sanitation facilities provided by the property owner or lawful tenant. Sanitation facilities can include access to the indoor facilities of the primary residence.

(3) Camping is prohibited on private property for more than seven days in a 12-month period without a permit. (Ord. 566 § 2, 2016).

## **Title 9**

### **PUBLIC PEACE, MORALS AND WELFARE**

#### **Chapters:**

**9.05 Parental Responsibility**

**9.10 Firearms**

**Chapter 9.05****PARENTAL RESPONSIBILITY**

## Sections:

- 9.05.010 Purpose.
- 9.05.020 Definitions.
- 9.05.030 General prohibition.
- 9.05.040 Exemptions.
- 9.05.050 Authority to enforce.
- 9.05.060 Violation – Penalty.

**9.05.010 Purpose.**

The town council has determined that responsibility for the actions of certain juveniles shall be imposed upon the parents.

(1) The town council of the town of South Cle Elum, Washington, has determined that it is generally contrary to the well-being of juveniles to be outside their residences in the late night and early morning hours unsupervised and with no specific purpose.

(2) In order to protect those juveniles who are not subject to adequate parental control from harm to themselves or others or the property of others and to foster better parental responsibility among the parents and guardians of juveniles found within the town of South Cle Elum, some regulation of parental control of juvenile children is appropriate.

(3) Control of parents and guardians of juveniles who are in danger of harm to themselves and others based on certain proscribed conduct is to be accomplished to achieve better protection of the community and the juveniles.

(4) The town council has received information from the police department that juveniles who are not adequately supervised by their parents and/or guardians have become engaged in criminal activity at certain times and within certain areas of the town. It is the intent of this chapter to impose control upon the parents and/or guardians of juveniles who are present at certain times and certain places within the town to protect those juveniles and the community. (Ord. 376 § 1.a, 1995).

**9.05.020 Definitions.**

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

(1) “Child” or “juvenile” means any unemancipated person, male or female, under the age of 18 years.

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

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

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

(5) “Allow” shall include those situations where the parent has failed to monitor or account for the child’s location between the hours of 10:00 p.m. to 5:00 a.m. on school nights and between 12:00 a.m. and 5:00 a.m. other nights. (Ord. 376 § 1.b, 1995).

**9.05.030 General prohibition.**

No parent or custodian shall allow or permit any child he or she is responsible for to remain in or upon the public streets, roadways, alleys, parks, playgrounds or cemeteries, or in or upon private property, other than the child’s usual place of residence, which is unoccupied, vacant, abandoned, or is not otherwise supervised by a reasonable adult between the hours of 10:00 p.m. to 5:00 a.m. on school nights and between the hours of 11:00 p.m. and 5:00 a.m. on non-school nights, except as otherwise permitted under the provisions of this chapter. (Ord. 385 § 1, 1996; Ord. 376 § 1.c, 1995).

**9.05.040 Exemptions.**

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

(1) Juvenile accompanied by his or her parent or guardian;

(2) A juvenile engaged in lawful employment;

(3) A juvenile on an errand or on legitimate business pursuant to instructions from his or her parent or guardian;

(4) A juvenile involved in an emergency concerning the person or property of himself, herself or another;

(5) A juvenile returning home from school or church sponsored activities or from other activities supervised by an adult. The term "returning home" means immediately and directly after participation in such activity, without a broken chain of sequences and time between the end of such event and the time such juvenile returns to his or her residence or such other place as shall be authorized by his or her parent. (Ord. 376 § 1.d, 1995).

#### **9.05.050 Authority to enforce.**

Law enforcement officers of the town shall have authority to reasonably stop and momentarily detain a juvenile to obtain his or her name, age, and address, as well as the name and address of his or her parent or guardian whenever said law enforcement officer shall reasonably suspect that the parent of such juvenile is in violation of this chapter. Upon determination that the parent or guardian of such juvenile is in fact in violation of this chapter, the law enforcement officer shall direct or deliver the juvenile to the residence of his or her parent or guardian. (Ord. 376 § 1.e, 1995).

#### **9.05.060 Violation – Penalty.**

(1) Upon a parent or guardian's first violation per child, notice thereof shall be given to the parent or guardian and a record of the violation shall be recorded with the police department. Upon the second violation involving the same child, a notice of infraction shall be served on the parent or guardian requiring the parent or guardian to appear for a hearing to be held in the municipal court, at which time the parent shall appear and answer to the charge of violating this chapter. Upon determination by the court that a second violation has occurred involving the same child, a \$50.00 penalty shall be imposed upon the parent with all required surcharges and assessments. Upon a third violation involving the same child, the

parent or guardian shall be subject to a \$100.00 penalty together with all required surcharges and assessments. Upon a fourth or subsequent violation involving the same child, the parent or guardian shall be subject to a \$250.00 penalty together with all required surcharges and assessments.

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

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

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

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

(4) At the time the police department issues a warning or notice of infraction to any parent or guardian for violation of this chapter, the police department may consider reporting the



circumstances of such juvenile as needing the intervention of child protective services. (Ord. 376 § 1.f, 1995).

## Chapter 9.10

### FIREARMS

#### Sections:

9.10.010 Definition.

9.10.020 Discharge within town limits unlawful.

9.10.030 Violation – Penalty.

9.10.040 Carrying firearms – Exemption.

#### **9.10.010 Definition.**

The word “firearm”, as used herein, means any rifle, pistol, revolver, air gun, firearm, air pistol, BB gun, long bow, crossbow or any other weapon forcibly propelling a hard or metallic missile of any type or size. (Ord. 343 § 1, 1989).

#### **9.10.020 Discharge within town limits unlawful.**

The discharge of any weapon within the town of South Cle Elum and the discharge of any weapon without the limits of said town in such manner that the missile from such weapon falls within the limits of the town of South Cle Elum is hereby declared to be unlawful. (Ord. 343 § 2, 1989).

#### **9.10.030 Violation – Penalty.**

Any person violating any of the provisions of this chapter shall be fined in a sum not exceeding \$5,000. (Ord. 343 § 3, 1989).

#### **9.10.040 Carrying firearms – Exemption.**

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

(2) Pursuant to the authority granted in Chapter 7, Section 405(6) the town of South Cle Elum is and shall be exempt from the prohibitions set forth in Chapter 7, Section 405(4) Laws of the State of Washington 1994 First Extraordinary Session which shall be codified as RCW 9A.41.050(4). (Ord. 370 §§ 1, 2, 1994).

## **Title 10**

### **TRAFFIC**

#### **Chapters:**

- 10.05 Model Traffic Ordinance**
- 10.10 Winter Regulations**
- 10.15 Weight Limits and Truck Routes**
- 10.20 Snowmobiles**
- 10.25 Motorized Foot Scooters**
- 10.30 Wheeled All-Terrain Vehicles**
- 10.35 Parking**

**Chapter 10.05****MODEL TRAFFIC ORDINANCE\***

## Sections:

10.05.010 Adoption by reference.

10.05.020 Collection of fines.

10.05.030 Copies on file.

\* Prior legislation: Ord. 253.

**10.05.010 Adoption by reference.**

The model traffic ordinance as set forth in Chapter 308-330 WAC is hereby adopted by reference, as and for the traffic ordinance of the town of South Cle Elum as is set forth in full herein. (Ord. 369 § 1, 1994).

**10.05.020 Collection of fines.**

All fines, forfeitures and penalties assessed and collected with respect to any violation of the provisions of this chapter shall be paid to the general fund of the city of Cle Elum, as per agreement with the city for police services. (Ord. 369 § 2, 1994).

**10.05.030 Copies on file.**

Incident to the adoption of the model traffic ordinance by reference, by this chapter, copies of the text of the adopted model traffic ordinance, Chapter 308-330 WAC shall be filed as required by RCW 35.21.180. (Ord. 369 § 4, 1994).

**Chapter 10.10****WINTER REGULATIONS**

## Sections:

10.10.010 Regulation of winter parking.

10.10.020 Towing and impounding of vehicles.

10.10.030 Penalty for violation.

10.10.040 Regulation of snow deposit on streets, alleys, sidewalks or rights-of-way.

10.10.050 Penalty for unlawful placement of snow or ice.

**10.10.010 Regulation of winter parking.**

To facilitate the plowing of snow and orderly movement of traffic in the town of South Cle Elum, during the winter months, the parking of all vehicles on streets and alleys, between November 1st and April 15th, inclusive, shall be as follows:

(1) No vehicle shall be parked on any street or alley of the town of South Cle Elum in excess of 24 continuous hours, or in a location in the right-of-way that interferes with snow removal or the use of the right-of-way.

(2) During the November 1st through April 15th period set forth in subsection (1) of this section, no recreational vehicles shall be parked on any street or alley of the town inside of any utility poles or anywhere in the right-of-way that interferes with snow removal or the use of the right-of-way. (Ord. 598 § 1, 2019; Ord. 585 § 1, 2018; Ord. 420, 1999; Ord. 294 § 1, 1982).

**10.10.020 Towing and impounding of vehicles.**

Vehicles parked in violation of the provisions of this chapter shall be towed from the street and impounded, until the owner or person in charge of the vehicle pays to the tow operator the towing charge plus all accumulated storage charges for the vehicle. All towing and storage of vehicles shall be done at the direction of the town marshal and shall be by licensed commercial tow truck operators. All

such tow truck operators must be licensed and bonded, as required by the laws of the state of Washington. (Ord. 294 § 2, 1982).

**10.10.030 Penalty for violation.**

Any person convicted of violating SCEMC 10.10.010 or 10.10.020 shall be fined in an amount not to exceed \$500.00. (Ord. 424 § 1, 2000; Ord. 294 § 3, 1982).

**10.10.040 Regulation of snow deposit on streets, alleys, sidewalks or rights-of-way.**

No person, firm, company or corporation, nor the agent, representative or employee of any person, firm, company or corporation, shall plow or otherwise clear a parking lot, sidewalk, or any other private property of snow or ice and thereafter place, throw or deposit that snow or ice on any street, alley, or sidewalk. Snow may be piled in the travelled portion of the paved parking right-of-way by a person, firm, company or corporation during snowfalls as long as it is removed within 48 hours of deposit. Snow and ice may also be piled by a person, firm, company or corporation on gravel parking rights-of-way abutting that person, firm, company or corporation's property as long as the snow or ice does not encroach on paved driving surfaces or create a sight-distance safety problem, as determined by the town superintendent. Any person, firm, company or corporation may be asked at any time to remove some or all snow or ice it caused to have placed on any public right-of-way after the passage of 48 hours or the town will remove such snow or ice and bill the person, firm, company or corporations for the town's costs and expenses incurred. (Ord. 424 § 2, 2000).

**10.10.050 Penalty for unlawful placement of snow or ice.**

A violation of SCEMC 10.10.040 shall be a civil infraction pursuant to RCW 7.80.120(1)(a). The maximum penalty and the default amount for a Class 1 civil infraction is \$250.00, plus statutory assessments. A violator may also be required to pay restitution. (Ord. 424 § 3, 2000).

**Chapter 10.15****WEIGHT LIMITS  
AND TRUCK ROUTES**

## Sections:

- 10.15.010 Local access vehicles only – Vehicles exceeding 80,000 pounds prohibited – Truck route designated.
- 10.15.020 Notice.
- 10.15.030 Penalties.
- 10.15.040 Temporary restrictions and limitations.
- 10.15.050 Designated truck routes.

**10.15.010 Local access vehicles only – Vehicles exceeding 80,000 pounds prohibited – Truck route designated.**

By reason of the construction of the town's streets as structural and nonstructural pavements and the detrimental impact of trucks and vehicles on said streets' weight-bearing capacity and remaining useful life, all streets within the town limits are hereby designated for local access only and no vehicle exceeding 80,000 pounds gross weight shall be operated thereon until such time as the streets are constructed to a standard capable of handling greater gross weights without impact to weight-bearing capacity and remaining useful life, except for those streets designated as truck routes for vehicles with gross weights or greater than the legal weight limits as defined in Chapter 46.44 RCW as hereafter amended, which truck route shall be posted as such prior to any enforcement actions taken based hereon; provided, that the following vehicle types are exempt from the weight limits established in this chapter:

- (1) Public transportation and school buses;
- (2) Public and private emergency vehicles;
- (3) Public utility companies and associated contracted services; provided, that the termination point for the trip made is within the town limits;
- (4) Town vehicles and any other vehicles providing services for the town;

(5) Retail delivery trucks; provided, that the termination point for the trip made is within the town limits;

(6) Moving vans; and

(7) Private residential services including but not limited to lawn care services, construction and landscaping material and delivery, and home improvement services; provided, that the termination point for the trip made is within the town limits. New construction within the town limits necessitating overweight vehicles for the completion thereof shall be undertaken only upon receipt, by the property owner, of a town building permit pursuant to Chapter 17.05 SCEMC. (Ord. 410 § 1, 1999).

**10.15.020 Notice.**

The town street superintendent shall cause to have erected signs designating the provisions of this chapter, including local access restrictions at each end of any town street subject to the local access, weight limits and truck routes established by this chapter, as now or hereafter amended. The town street superintendent shall also cause to be published in one issue of the newspaper of general circulation within the town and to be posted at each end of any street, the notice required by RCW 47.48.020 at least three days before such weight limits shall take effect. (Ord. 410 § 2, 1999).

**10.15.030 Penalties.**

The general penalties provided for in RCW 46.44.105 as applicable and as hereafter amended are hereby incorporated by this reference, but not less than a \$150.00 fine shall apply to any violation of this chapter, and any person, firm, corporation, or association failing to comply with any of the provisions of this chapter shall be guilty of a misdemeanor. (Ord. 410 § 3, 1999).

**10.15.040 Temporary restrictions and limitations.**

Notwithstanding the foregoing and in addition thereto, the town street superintendent may prohibit the operation of trucks or vehicles or may impose additional limits as to the

weight thereof, or any other restriction as may be deemed necessary, whenever any street by reason of rain, snow, climatic or other conditions will be seriously damaged or destroyed unless the operation thereon be prohibited or restricted or the permissible weights thereof reduced; provided, that the road supervisor shall prohibit the use of any street in the town designated by the State Highway Commission as forming a part of any restrictions or reductions in permissible weights be first approved in writing by the State Highway Commission.

Nothing contained in this chapter shall be construed to limit or reduce the authority of the town street superintendent or other appropriate authority authorized by law from closing any street within the town's boundaries due to emergencies. (Ord. 410 § 4, 1999).

#### **10.15.050 Designated truck routes.**

<b>Street</b>	<b>From</b>	<b>To</b>
S. Cle Elum Way	N. town limits	Madison Ave.
Madison Ave.	S. Cle Elum Way	Sixth Street
Sixth Street	Madison Ave.	Marie Ave.
Marie Ave.	Sixth Street	Westside Road (to south town limits)
S. Cle Elum Way	Madison Ave.	Lower Peoh Point Road east to town limits
Milwaukee Ave.	Sixth Street	West town limits

Effective July 1, 1999, no vehicle exceeding 10,000 pounds gross weight shall be operated on Milwaukee Street until such time as improvements are made to this portion of Milwaukee Street to a standard improving its weight-bearing capacity and useful life to the level of the streets designated above as the town truck route. (Ord. 410 § 5, 1999).

## **Chapter 10.20**

### **SNOWMOBILES**

Sections:

10.20.010 Adoption of Chapter 46.10 RCW.

10.20.020 Additional regulations.

10.20.030 Penalty for violations.

#### **10.20.010 Adoption of Chapter 46.10 RCW.**

Chapter 46.10 RCW is hereby adopted by reference as the same now exists or in the future may be amended. Three copies thereof are on file with the town clerk and shall be kept available there for inspection. (Ord. 302 § 1, 1984).

#### **10.20.020 Additional regulations.**

It is unlawful to drive, operate or park a snowmobile on any sidewalk in the town. (Ord. 302 § 2, 1984).

#### **10.20.030 Penalty for violations.**

Any person convicted of violating any of the provisions of this chapter shall, for each violation, be fined in any sum not exceeding \$250.00 or imprisoned in the county jail for not more than 90 days, or both so fined and imprisoned. (Ord. 302 § 4, 1984).

**Chapter 10.25\*****MOTORIZED FOOT SCOOTERS**

## Sections:

- 10.25.005 Applicability.
- 10.25.010 Definitions – Exemption.
- 10.25.020 Operation of motorized foot scooters.
- 10.25.030 Helmets required – Nighttime operation prohibited.
- 10.25.040 Noise restrictions – Mufflers.
- 10.25.050 Violation – Penalty.
- 10.25.060 General duty.
- 10.25.070 Savings.
- 10.25.080 Severability.
- 10.25.090 Corrections.

\*Code reviser's note: Ord. 457 added this chapter as Chapter 10.20 SCEMC. It has been renumbered to avoid duplication of numbering.

**10.25.005 Applicability.**

The provisions of this chapter shall apply to motorized foot scooters and to all other wheeled recreational devices that are not otherwise regulated by state law. (Ord. 457 § 1, 2005).

**10.25.010 Definitions – Exemption.**

(1) "City property" includes all city rights-of-way, as defined in the city of South Cle Elum zoning code.

(2) "City street" means every public highway, as defined in Chapter 46.04 RCW, or part thereof, located within the city limits of the city of South Cle Elum.

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

(4) "Motorized foot scooter" means a device with no more than two 10-inch or smaller diameter wheels that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an internal combustion

engine or electric motor that is capable of propelling the device with or without human propulsion.

(5) "Rules of the road" means all rules applicable to vehicle or pedestrian traffic as set forth in state statute, rule or regulation.

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

(7) The regulations of this chapter shall not apply to any vehicle used by a disabled person as defined by RCW 46.16.381. (Ord. 457 § 1, 2005).

**10.25.020 Operation of motorized foot scooters.**

(1) It is unlawful for any person to operate a motorized foot scooter or other wheeled recreational device:

(a) On any city street unless such person is 16 years of age or older;

(b) With a passenger in addition to the operator;

(c) On any city street with a maximum speed limit above 25 miles per hour, unless the device is operated within a designated bicycle lane;

(d) On any city property that is not a city street;

(e) In any park;

(f) Upon any bicycle path or trail that is not a designated bicycle lane, or upon any equestrian, hiking or recreational trail;

(g) Upon any sidewalk, except as may be necessary to enter or leave adjacent property; or

(h) On any posted private or public property.

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

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

(a) "To operate in a negligent manner" means the operation of a motorized foot scooter or other wheeled recreational device in such a manner as to endanger or be likely to endanger any person or property.

(b) Operation of a motorized foot scooter in excess of 15 miles per hour shall be prima facie evidence of operation in a negligent manner. (Ord. 457 § 1, 2005).

#### **10.25.030 Helmets required – Nighttime operation prohibited.**

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

(2) Motorized foot scooters and other wheeled recreational devices may not be operated at any time from sunset to sunrise. (Ord. 457 § 1, 2005).

#### **10.25.040 Noise restrictions – Mufflers.**

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

(2) It is unlawful to sell or operate a motorized foot scooter that is powered by an internal combustion engine that is not equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise. (Ord. 457 § 1, 2005).

#### **10.25.050 Violation – Penalty.**

(1) Any person violating the provisions of this chapter shall be deemed to have committed a traffic infraction and the penalty shall be \$71.00.

(2) In lieu of the penalty described above, any South Cle Elum police officer may utilize the following penalty provision for a person under 16 years of age found operating a motorized foot scooter or other wheeled recreational device on city property:

(a) The officer may take custody of the device. If the officer does not impound the device, he or she may release it only to an adult.

(b) The officer must provide the violator with a written notice setting forth the procedure for reclaiming the device.

(c) The procedure for reclaiming the device shall be promulgated by the chief of police.

(d) Only the parent or legal guardian of a violator or an adult owner can reclaim a motorized foot scooter or other wheeled recreational device impounded pursuant to this section.

(e) A \$50.00 fee for costs of impound and administrative processing shall be paid to the city clerk prior to the release of any property impounded under this alternative penalty.

(f) Any unclaimed devices may be disposed of in accordance with state law.

(3) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any provision of this chapter. (Ord. 457 § 1, 2005).

#### **10.25.060 General duty.**

It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter. It is the specific intent of this chapter that no provision nor any term used in this chapter is intended to impose any duty whatsoever upon the city or any of its officers or employees. Nothing contained in this chapter is intended nor shall be construed



to create or form the basis of any liability on the part of the city, or its officers, employees or agents for any injury or damage resulting from any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees or agents. (Ord. 457 § 1, 2005).

#### **10.25.070 Savings.**

The enactment of the ordinance codified in this chapter shall not affect any case, proceeding, appeal or other matter currently pending in any court or before the city or in any way modify any obligation, right or liability, civil or criminal, which may exist by virtue of any of the ordinances herein amended. (Ord. 457 § 1, 2005).

#### **10.25.080 Severability.**

If any section, subsection, sentence, clause, phrase or word of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this chapter. (Ord. 457 § 1, 2005).

#### **10.25.090 Corrections.**

The city clerk and the codifiers of the ordinance codified in this chapter are authorized to make necessary corrections to the ordinance codified in this chapter, including the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto. (Ord. 457 § 1, 2005).

### **Chapter 10.30**

#### **WHEELED ALL-TERRAIN VEHICLES**

##### **Sections:**

- 10.30.010 Definitions.
- 10.30.020 Use of wheeled all-terrain vehicles on town streets.
- 10.30.030 Restrictions on the use of wheeled all-terrain vehicles on town streets.
- 10.30.040 Requirements for wheeled all-terrain vehicles on town streets.
- 10.30.050 Operation by children under the age of 16.
- 10.30.060 Registration requirements for wheeled all-terrain vehicles on town streets.
- 10.30.070 Duty to obey traffic control signals and devices and rules of the road.
- 10.30.080 Prohibited areas.
- 10.30.090 Violations, penalties.

##### **10.30.010 Definitions.**

"Sidewalk" means that property between the curb lines or the lateral lines of a roadway and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a public highway and dedicated to use by pedestrians.

"Town street" or "street" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

"Wheeled all-terrain vehicle" or "WATV" means (a) any motorized nonhighway vehicle with handlebars that is 50 inches or less in width, has a seat height of at least 20 inches, weighs less than 1,500 pounds, and has four tires having a diameter of 30 inches or less, or (b) a utility-type vehicle designed for and capable of travel over designated roads that travels on four or more low-pressure tires of 20 psi or less, has a maximum width less than 74 inches, has a maximum weight less than 2,000 pounds, has a wheelbase of 110 inches or less, and satisfies at least one of the following: (i) has a minimum width of 50 inches; (ii) has a

minimum weight of at least 900 pounds; or (iii) has a wheelbase of over 61 inches. (Ord. 562 § 1, 2016).

#### **10.30.020 Use of wheeled all-terrain vehicles on town streets.**

Subject to the restrictions and requirements of this chapter, a person with a valid driver's license may operate a wheeled all-terrain vehicle on town streets which have a speed limit of 35 miles per hour or less. (Ord. 562 § 1, 2016).

#### **10.30.030 Restrictions on the use of wheeled all-terrain vehicles on town streets.**

(1) A person operating or riding in or on a wheeled all-terrain vehicle on town streets must wear a securely fastened motorcycle helmet while the WATV is in motion, unless WATV is equipped with roll bars or an enclosed passenger compartment, and a seat-belt is worn.

(2) A person may not operate a WATV on a town street with a speed limit of more than 35 miles an hour except when crossing such street at a controlled intersection where the crossing begins and ends at a street with a speed limit of 35 miles an hour or less and the intersection is of approximately 90 degrees.

(3) A person may operate a WATV on any town street when while under the authority or direction of an agency that engages in emergency management, as defined in RCW 46.09.310, or search and rescue, as defined in RCW 38.52.010, or a law enforcement agency as defined in RCW 16.52.011, within the scope of the agency's official duties.

(4) A WATV may not be operated in a negligent or unsafe manner.

(5) A WATV may not be operated side by side another WATV in a single lane of traffic.

(6) Operators of WATVs must comply with RCW 46.37.200 and 46.61.310.

(7) WATVs within the town are subject to Chapter 46.55 RCW. (Ord. 562 § 1, 2016).

#### **10.30.040 Requirements for wheeled all-terrain vehicles on town streets.**

Any wheeled all-terrain vehicle operated on town streets must comply with the following requirements:

(1) The WATV must be equipped with headlights meeting the requirements of RCW 46.37.030 and 46.37.040 and must be on at all times the vehicle is in motion.

(2) The WATV must have at least one tail lamp meeting the requirements of RCW 46.37.525 and must be used at all times the vehicle is in motion; however, any type vehicle as described under RCW 46.09.310 must have at least two tail lamps meeting the requirements of RCW 46.37.070(1) and must be used at all times the vehicle is in motion.

(3) The WATV must have at least one stop lamp meeting the requirements of RCW 46.37.200.

(4) The WATV must have reflectors meeting the requirements of RCW 46.37.060.

(5) The WATV must have turn signals meeting the requirements of RCW 46.37.200, must be used during the hours of darkness as defined in RCW 46.04.200.

(6) The WATV must have a mirror attached to a handlebar, which must give the operator a complete view of the street to at least a distance of 200 feet to the rear of the WATV; however, any utility type vehicle as described under RCW 46.09.310 must have at least two mirrors meeting the requirements of RCW 46.37.400.

(7) The WATV must have a windshield meeting the requirements of RCW 46.37.430, unless the operator, at all times the vehicle is in motion, wears glasses, goggles, or a face shield which meet Washington State Patrol rules.

(8) The WATV must have a horn or warning device meeting the requirements of RCW 46.37.380.

(9) The WATV must have brakes in working order.

(10) The WATV must have a spark arrester and muffler meeting the requirements of RCW 46.37.470.

(11) Any WATV of a utility type vehicle as described under RCW 46.09.310 must have seatbelts for all passengers and the operator

meeting the requirements of RCW 46.37.510, which must be used at all times the vehicle is in motion. (Ord. 562 § 1, 2016).

#### **10.30.050 Operation by children under the age of 16.**

No person under the age of 16 may operate a WATV on town streets. (Ord. 562 § 1, 2016).

#### **10.30.060 Registration requirements for wheeled all-terrain vehicles on town streets.**

WATVs on town streets must comply with all registration requirements under Chapter 46.09 RCW. (Ord. 562 § 1, 2016).

#### **10.30.070 Duty to obey traffic control signals and devices and rules of the road.**

Unless a law enforcement officer directs otherwise, operators of WATVs on town streets must obey all rules of the road that apply to vehicle or pedestrian traffic in the state and town, and must obey all traffic control signals and devices applicable to vehicles. Operators of WATVs on town streets are subject to all duties under Chapter 46.61 RCW that apply to any operator of a vehicle, except those provisions that by their nature can have no application. (Ord. 562 § 1, 2016).

#### **10.30.080 Prohibited areas.**

WATVs may not be operated in the following areas:

- (1) On sidewalks;
- (2) In parks, except on designated park drives and parking lots;
- (3) Trails open to the public. (Ord. 562 § 1, 2016).

#### **10.30.090 Violations, penalties.**

Any person who violates a provision of this chapter shall have committed a traffic infraction punishable by a maximum monetary penalty of \$124.00 plus any statutory costs or assessments; provided, that any conduct that constitutes a crime may be charged as such and is subject to the penalties provided for such offense. (Ord. 562 § 1, 2016).

## **Chapter 10.35**

### **PARKING**

Sections:

- 10.35.010 Stopping, standing, or parking prohibited in specified places.
- 10.35.020 Adoption of state statutes.
- 10.35.030 Inoperable vehicles.
- 10.35.040 Seventy-two-hour parking.
- 10.35.050 Angle parking.
- 10.35.060 Parallel parking.
- 10.35.070 Penalties.

Code reviser's note: Ordinance 585 adds the provisions of this chapter as Chapter 10.30. The chapter has been editorially renumbered to prevent duplication of numbering.

#### **10.35.010 Stopping, standing, or parking prohibited in specified places.**

(1) Except when necessary to avoid conflict with other traffic, momentarily to pick up or discharge a passenger or passengers, or in compliance with law or the directions of a police officer or official traffic control device, no person shall stop, stand, or park a vehicle, whether occupied or not:

- (a) In the traveled portion of the roadway or in a manner where any portion of the vehicle is within five feet of the traveled portion of the roadway;
- (b) At any place where official signs or markings prohibit stopping or parking;
- (c) Contrary to posted official signs or markings allowing parking in a particular area;
- (d) In front of a public or private driveway or within five feet of the end of the curb radius leading thereto;
- (e) Within 15 feet of a fire hydrant;
- (f) Within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;
- (g) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly signposted;

(h) Within 20 feet of a crosswalk or intersection;

(i) On any railroad tracks;

(j) On a sidewalk or street planting strip;  
or

(k) In an alley, or blocking an alley, except temporarily for the purpose of and while engaged in loading or unloading property or passengers. (Ord. 585 § 2, 2018).

#### **10.35.020 Adoption of state statutes.**

The following sections of the Revised Code of Washington, as they now read or as hereafter amended, are hereby adopted by reference as if set out in this section in full, except to the extent that they conflict with provisions herein:

RCW 46.61.570    Stopping, standing, or  
                         parking prohibited in  
                         specified places –  
                         Reserving portion of  
                         highway prohibited.

(Ord. 585 § 2, 2018).

#### **10.35.030 Inoperable vehicles.**

Vehicles shall be currently licensed and in operable condition other than for minor repairs, completed within the time allowed under the shorter of the time periods in SCEMC 10.10.010 or 10.35.040, and that do not allow discharge of fluids onto the roadway or interfere with normal traffic flow. Disassembly of motor train, engine, and axle components is considered a major repair and not permitted on public right-of-way. All other provisions of the town's parking code shall remain in full force and effect. (Ord. 585 § 2, 2018).

#### **10.35.040 Seventy-two-hour parking.**

No vehicle shall be parked continuously more than 72 hours on any public street or avenue in the town. (Ord. 585 § 2, 2018).

#### **10.35.050 Angle parking.**

Except as otherwise provided, all vehicles shall be parked at an angle less than 50 degrees to the roadway in the direction of lawful traffic movement. (Ord. 585 § 2, 2018).

#### **10.35.060 Parallel parking.**

Any vehicle over 20 feet in length shall only be parked with the right-hand wheels of the vehicle parallel to and within 12 inches of the right-hand curb and headed in the direction of lawful traffic movement. It shall be unlawful to park two vehicles adjacent to each other (double parking) on any town street. (Ord. 585 § 2, 2018).

#### **10.35.070 Penalties.**

Any person who violates a provision of this chapter or fails to comply with any of the requirements thereof shall be subject to penalties as prescribed by this section. Except as otherwise provided in this title, any violation of any of the provisions of this title shall constitute an infraction for which the presumptive penalty shall be \$50.00, not including any statutory assessments, for the first violation; \$100.00, not including any statutory assessments, for the second violation; and \$250.00, not including any statutory assessments, for a third or subsequent violation of similar nature. In addition to such penalties, law enforcement officers are empowered in their discretion to remove and impound or direct the removal and impoundment of any vehicle in violation of this chapter subject to the requirements of Chapter 46.55 RCW. All charges for removing, impounding and storing of such vehicle shall be paid by the registered owner, operator, or other person having control of said vehicle, before said person may retake possession thereof. (Ord. 585 § 2, 2018).

**Title 11**  
**(Reserved)**

## **Title 12**

### **STREETS AND SIDEWALKS**

#### **Chapters:**

**12.05 Sidewalks**

**12.10 Right-of-Way Use**

**12.15 Excavations**

**Chapter 12.05****SIDEWALKS**

## Sections:

- 12.05.010 Abutting owner's duty to maintain.
- 12.05.020 Notification of owner when sidewalk unfit.
- 12.05.030 Service of notice.
- 12.05.040 Failure to correct – Town action.
- 12.05.050 Council approval of notice.
- 12.05.060 Designation of chargeable property.

**12.05.010 Abutting owner's duty to maintain.**

Whenever any street, lane, square, place or alley in the town of South Cle Elum shall have been improved by the construction of a sidewalk or sidewalks along any or all sides thereof, the duty, burden and expense of maintenance, repair and renewal of such sidewalk or sidewalks shall devolve upon the property directly abutting upon that side of such street along which such sidewalk has been constructed, as hereinafter provided. (Ord. 126 § 1, 1949).

**12.05.020 Notification of owner when sidewalk unfit.**

Whenever in the judgment of that officer or department of said town, who or which is or shall be charged with the inspection and care of the sidewalks along the public streets, lanes, squares, places and alleys in said town, the condition of any sidewalk is such as to render the same unfit or unsafe for purposes of public travel, the said officer or department shall thereupon serve a written notice of the condition thereof on the owner of the property immediately abutting upon said portion of said sidewalk, instructing the said owner to clear, repair, or renew the said portion of the sidewalk, or to appear before the town council at its next regular meeting if he wishes to protest said notice. (Ord. 126 § 2, 1949).

**12.05.030 Service of notice.**

The notice provided for shall be deemed sufficiently served if delivered in person to the owner of the property or by leaving a copy at the home of the owner or his authorized agent, or, if the owner is a nonresident, by mailing a copy to his last known address, or if the owner of the property be unknown or if his address be unknown then such notice shall be addressed to the general delivery office of the town of South Cle Elum. (Ord. 126 § 3, 1949).

**12.05.040 Failure to correct – Town action.**

Such notice shall specify a reasonable time within which such cleaning, repairs or renewal shall be executed by the said owner, said time not to expire until at least seven days after the regular meeting of the town council next following the giving of said notice, and shall state that in case the said owner shall fail to do such cleaning or to make such repairs or renewal within the time therein specified then the said officer or department will proceed to clean said walk or to make such repairs or renewal forthwith, and will report to the town council at its regular meeting next following the making of such repairs or renewal, or as soon thereafter as possible, the date to be definitely stated, an assessment roll showing the lot or parcel of land immediately abutting on that portion of the sidewalk so improved, the cost of such improvement or repair and the name of the owner, if known, and that the council will hear any or all protests against the proposed assessment. (Ord. 126 § 4, 1949).

**12.05.050 Council approval of notice.**

The town council shall, at its regular meeting next following the giving of said notice, approve or disapprove said notice. If the council disapproves said notice, the officer or department giving said notice shall proceed no further in the matter. If the council approves said notice it shall at the time for assessment in such notice designated or at an adjourned time or times assess the cost of such work against said property in accordance with the benefits derived therefrom, which said charge shall

become a lien upon said property and shall be collected by due process of law. (Ord. 126 § 5, 1949).

#### **12.05.060 Designation of chargeable property.**

For the purposes of this chapter all property having a frontage upon the sides or margin of any street shall be deemed to be abutting property and such property shall be chargeable, as provided by this chapter, for all cost of maintenance, repairs or renewal of any form of sidewalk improvement between the said street margin and the roadway lying in front of and/or adjacent to said property, and the term sidewalk, as intended for the purposes of this chapter, shall be taken to include any and all structures or forms of street improvement included in the space between the street margin and the roadway. (Ord. 126 § 6, 1949).

### **Chapter 12.10**

#### **RIGHT-OF-WAY USE**

##### **Sections:**

- 12.10.010 Applicability.
- 12.10.020 Rights of grantee.
- 12.10.030 Bond of grantee.
- 12.10.040 Approval of plans and specifications – Supervision.
- 12.10.050 Application for permit – Inspection and supervision expenses.
- 12.10.060 Fair compensation for use of public right-of-way.
- 12.10.070 Commencement of work.
- 12.10.080 Quality of work – Safety precautions.
- 12.10.090 “As-built” plans.
- 12.10.100 Restoration.
- 12.10.110 Town held harmless.
- 12.10.120 Damage to grantee’s installation.
- 12.10.130 Underground facilities.
- 12.10.140 Additional ducts or conduits.
- 12.10.150 Work by town.
- 12.10.160 Improvement of town road.
- 12.10.170 Installation of town utilities.
- 12.10.180 Vacation of streets.
- 12.10.190 Condemnation.
- 12.10.200 Nonexclusivity – Work not to interfere – Prior utilities’ interference.
- 12.10.210 Successors in interest.
- 12.10.220 Independent contractors.
- 12.10.230 Revocation of franchise.
- 12.10.240 Amendments to chapter.
- 12.10.250 Acceptance by grantee.

#### **12.10.010 Applicability.**

The terms and conditions set out in this chapter are terms and conditions of any franchise to use the roads, streets, avenues, highways, alleys, rights-of-way or other town properties hereafter granted by the town to any individual or municipal or private entity engaged in the public service or utility business, unless and except to the extent that such ordinance or resolution granting such franchise expressly provides terms or conditions contrary to those contained in this chapter. (Ord. 414 § 1, 1999).



**12.10.020 Rights of grantee.**

The grantee shall have the right and authority, to the extent expressed in the resolution of the town council granting such franchise, or in any supplemental document, to enter upon the streets, avenues, alleys, roads, highways, rights-of-way and such public places designated by such franchise for the purpose of construction work, extension of existing systems, connection of such systems with consumers' pipelines, cables, lines or equipment, repairing of equipment and in all fashions maintaining and operating the improvements installed within such town property, and to make rules and regulations governing the same in conformity with the state and federal statutes and regulations now in force or hereafter enacted and adopted by state and/or federal agencies governing such utilities. (Ord. 414 § 2, 1999).

**12.10.030 Bond of grantee.**

Before undertaking any of the work or improvements authorized by the franchise, the grantee, if other than a municipal corporation, shall furnish to the town a bond, executed by grantee and a corporate surety authorized to do a surety business in the state of Washington, in a sum to be recommended by the street superintendent in consultation with the town engineer if deemed necessary by said street superintendent and set and approved by the town council as sufficient to insure performance of the grantee's obligations under such franchise, and conditioned that the grantee shall well and truly keep and observe all of the covenants, terms and conditions and faithfully perform all of the grantee's obligations under said franchise, and reset or replace any defective work performed or materials installed by or under the direction of the grantee, its employees or contractors, discovered in the maintenance, replacement or repair of the town's roads, rights-of-way or other town properties by the town. The bond requirement may be met by surety bonds of a continuing nature in effect as of July 6, 1999, or that thereafter come into effect. (Ord. 414 § 3, 1999).

**12.10.040 Approval of plans and specifications – Supervision.**

The grantee shall install the pipes, poles, lines, cables or other authorized improvements in the designated streets, avenues, alleys, roads, highways, rights-of-way or other public places pursuant to plans and specifications approved by the town street superintendent in consultation with the town engineer and under supervision provided by the town at the expense of such grantee, whenever the grantee's inspection services are determined by the town to be inadequate. (Ord. 414 § 4, 1999).

**12.10.050 Application for permit – Inspection and supervision expenses.**

(1) Before any work is done by the grantee under such franchise, it shall first file with the street superintendent an application for permit to do such work accompanied by such supporting documents and/or field information as the street superintendent in consultation with the town engineer may require. The grantee shall specify the class and type of material to be used and provide sufficiently detailed plans so as to adequately show the type and extent of work to be performed upon the rights-of-way. All material and equipment shall conform to or exceed the standards of the industry. When requested by the street superintendent in consultation with the town engineer, the manner of excavation, construction, installation, backfill and the type and size of temporary structures, including traffic turnouts, road obstructions, etc., shall be submitted for approval.

(2) The grantee shall pay to the town the actual cost and expenses incurred in the examination, necessary inspection and supervision of such work granted by the permit and done by the grantee or by an independent contractor under the franchise of the grantee. The permit to be issued shall not include any license or permit required by other laws, ordinances or rules of the town for the privilege of transacting and carrying on a business within the town, or for construction, reconstruction, repair or maintenance on, over or under any public rights-of way. (Ord. 414 § 5, 1999).

**12.10.060 Fair compensation for use of public right-of-way.**

The grantee shall negotiate with the town and the two shall establish an agreed-upon, fair rate of compensation to be paid annually to the town for the use of the public right-of-way. The payment of such agreed-upon compensation by the grantee, its successors or assigns shall be a condition to commencement of installation of the grantee's improvements and an on-going condition to the grantee, its successors or assigns' exercise of continued franchise rights under this chapter. (Ord. 414 § 6, 1999).

**12.10.070 Commencement of work.**

The grantee, its successors or assigns shall commence construction under such permit granted by the street superintendent within the time period stated in such permit and shall have completed and have in operation such portion of the system of improvements as may be specified in such permit or the rights therein conferred upon the grantee shall cease and terminate insofar as unoccupied streets, roads, etc., are concerned. (Ord. 414 § 7, 1999).

**12.10.080 Quality of work – Safety precautions.**

All work done under the franchise shall be done in a thorough and workmanlike manner. In the laying of underground pipelines and cables and the construction of other facilities and the opening of trenches, the tunneling under town roads, rights-of-way or other town properties, the grantee shall leave such trenches, ditches and tunnels in such a way as to interfere as little as possible with public travel and shall take all due and necessary precautions to guard the same so that damage or injury shall not occur or arise by reason of such work; and where any of such trenches, ditches or tunnels are left open at night, the grantee shall place warning lights and barricades at such a position as to give adequate warning of such work. (Ord. 414 § 8, 1999).

**12.10.090 “As-built” plans.**

Within 30 days of completion of construction, the applicant shall provide a complete and detailed set of “as-built” plans to the town's street superintendent. (Ord. 414 § 9, 1999).

**12.10.100 Restoration.**

(1) The grantee shall leave all streets, avenues, alleys, roads, highways, rights-of-way and other town properties, after laying and installing mains and cables, and doing construction work, making repairs to equipment, etc., in as good and safe condition in all respects as they were before the commencement of such work by the grantee, its agents or contractors, and all recorded monuments which have been disturbed or displaced by the work shall be reset to the specifications and approval of the street superintendent.

(2) In case of any damage to the streets, avenues, alleys, roads, highways, rights-of-way or other town properties, or to paved or surfaced roadways, turnouts, gutters, ditches, wood or concrete walls, drain pipes, hand or embankments rails, bridges, trestles, or monuments by the grantee, the grantee agrees to immediately repair the damage at its sole cost and expense.

(3) When the street superintendent determines that an emergency situation does exist, he may order and have done any and all work considered necessary to restore to a safe condition any such street, avenue, alley, road, highway, right-of-way or other town property left by the grantee or agents in a condition dangerous to life or property. He may cause to be replaced or reset recorded monuments if a grantee fails to replace or reset the same within a reasonable time after completion of construction. The grantee, upon demand, shall pay to the town all costs of such construction or repair and of doing such work. (Ord. 414 § 10, 1999).

**12.10.110 Town held harmless.**

The grantee, its successors or assigns shall protect, indemnify and hold harmless the town, its agents and employees from all claims, actions or damages of every kind and description which may accrue to or be suffered

by any person or persons, corporation or property by reason of any construction, the presence of any material or equipment, the operation of or the occupation of the rights-of-way or other town properties by the grantee or for any claims on account of the existence of any excavation, temporary turnouts or the operation by the grantee of its lines, mains, valves, pipes, poles or cables over or under the streets, avenues, alleys, roads, highways, rights-of-way or other county properties as hereinafter designated, or for any other acts or omission on the part of the grantee, and in case that suit or action is brought against the town, its agents or employees, for damages arising out of or by reason of any of the above-mentioned causes, the grantee, its successors or assigns will, upon notice to it of the commencement of said action, defend the same at its sole cost and expense and in case judgment shall be rendered against the town of South Cle Elum, its agents or employees in such suit or action, the grantee will fully satisfy the judgment within 90 days after the suit or action has been finally determined, if determined adversely to the town, its agents or employees. Acceptance by the town of any work performed by the grantee at the time of completion shall not be a ground for avoidance of this hold harmless agreement. (Ord. 414 § 11, 1999).

#### **12.10.120 Damage to grantee's installation.**

In consideration of the granting of such franchise by the grantor to the grantee, the grantee, for itself and its assigns, shall contract and agree to save the town harmless from any liability of whatsoever nature arising out of any damage and/or destruction done or suffered to be done to grantee's mains, valves, pipes, poles, cables, lines or other fittings or appurtenances of whatsoever nature placed upon, along, across, over and/or under the town road right-of-way or other town property. This section shall be construed to mean that the grantee accepts such franchise and any rights conferred thereunder for the use and occupation of any portion of the right-of-way at its own risk, and agrees to assume responsibility for any damage occasioned to grantee or third

parties by grantor in the maintenance and/or construction work performed by grantor upon the roadways described herein and which would not have occurred but for the presence on the roadways of the grantee's pipes, poles, lines, cables, fittings or other appurtenances mentioned above, except to the extent any such damage or loss is caused by the sole negligence of the grantor. (Ord. 414 § 12, 1999).

#### **12.10.130 Underground facilities.**

The grantee, as far as practicable, shall construct all new utility facilities underground. Extension of overhead facilities following streets, avenues, roadways, boulevards or thoroughfares shall be undertaken only with the approval of the street superintendent; provided, however, that approval shall not be unreasonably withheld. Grantee recognizes the desirability of underground facilities rather than overhead facilities and shall convert existing overhead facilities to underground facilities as and when equipment replacement is undertaken, or when other existing overhead utilities are placed underground, unless such replacement is unsafe, impractical, or economically unreasonable. Line extension policies and procedures established by the grantee, and uniformly applied through its service area, shall be the standard in determining what is "practical, impractical or economically unreasonable" under this chapter; provided, that no new overhead utility facilities shall be constructed or established in any area set aside for public park, school playground or athletic purposes. In the event the grantee's improvements proposed for installation cross any improvements or infrastructure owned or administered by the town, then the grantee shall cause to have its own improvements installed below the town's improvements. (Ord. 414 § 13, 1999).

#### **12.10.140 Additional ducts or conduits.**

Any grantee constructing or installing, under the authority of this chapter and any ordinances amendatory thereto, any underground ducts or conduits shall:

(1) Upon request, when the number of conduits or ducts to be installed by a franchisee exceeds five, provide the town with additional

duct or conduit space over and above the duct or conduits planned to be constructed for the franchise grantee at a ratio of not greater than one additional duct or conduit for each five installed by the grantee. Such additional ducts or conduits shall be of a size and configuration specified by the town in conjunction with the plans and specifications being utilized by the grantee and said additional ducts or conduits shall be dedicated to the town. The town shall have the right to use the ducts and conduits for any purpose, including but not limited to leasing them to other entities. The incremental costs of adding the specified ducts and conduits for the town shall be borne by the town, and any and all revenues or lease payments negotiated with and paid by any subsequent lessees shall be the sole and exclusive property of the town.

(2) In the event the town utilizes such additional dedicated duct or conduit, or enters into a lease for its use with another entity, then the town and/or its lessee shall notify the grantee of the pending use of said duct or conduit, and shall only undertake construction, connection to or other work on such duct or conduit in the presence of a representative, inspector or designee of the franchise grantee or grantees, as the case may be.

(3) All prospective lessees/franchisees seeking to utilize any duct or conduit dedicated to the town's use under this chapter shall be subject to the same requirements set forth in this chapter for initial franchisees, and shall comply with all rules, regulations and obligations set forth herein, as amended from time to time. (Ord. 414 § 14, 1999).

#### **12.10.150 Work by town.**

The laying, construction, maintenance and operation of the system of improvements granted under the franchise shall not preclude the town, its employees, agents or contractors from blasting, grading or doing other necessary road work in a reasonably careful and prudent manner contiguous to the grantee's improvement; provided, that the grantee shall be given a minimum of two business days' prior notice, in a writing signed by the street

superintendent, of the blasting or excavating in order that the grantee may protect its line and property. (Ord. 414 § 15, 1999).

#### **12.10.160 Improvement of town road.**

If at any time the town deems it is advisable to improve any of its streets, avenues, alleys, roads, highways, rights-of-way or other town properties as hereinbefore designated, by grading, regrading, surfacing or paving the same, or altering, changing, repairing or improving the same, the grantee, upon written notice by the town, shall, at its own expense and as soon as reasonably practicable, so raise, lower or move its lines or improvements to conform to such new grades as may be established, or place the property in such locations or positions as shall cause the least interference with any such improvements or work thereon as contemplated by the town and the town shall in no way be held liable for any damage to the grantee that may occur by reason of the town improvements, repairs or maintenance performed in a reasonably careful and prudent manner, or by the exercise of any rights so reserved in this section or grant. If the town shall improve such streets, avenues, alleys, roads, highways, rights-of-way or other town properties, the grantee shall on written notice by town officials, at its own expense, replace such pipes, lines or system as may be in or through the improved subgrade of such improvement, with such materials as shall conform to or exceed the applicable standards of the industry for use in such streets, avenues, roads, highways, rights-of-way or other town properties. (Ord. 414 § 16, 1999).

#### **12.10.170 Installation of town utilities.**

If at any time the town installs a line of pipes for sewage and/or drainage upon any of the streets, avenues, alleys, roads, highways, rights-of-way or other town properties herein described, wherein a grantee's facilities unreasonably interfere with the construction project, the grantee, upon written notice by the street superintendent, shall temporarily remove or relocate its line of pipes or improvements at its own expense during the installation and

replace the same at its own sole cost and expense under the supervision of the town. (Ord. 414 § 17, 1999).

#### **12.10.180 Vacation of streets.**

If at any time the town vacates any town street, avenue, alley, road, highway, right-of-way or other town property interest in the road, right-of-way or other town property for the use of the town, in either its proprietary or governmental capacity, then the town council may, at its option, by giving 90 days' written notice to the grantee and after granting an alternate route, terminate this franchise with reference to such town road, right-of-way or other town property so vacated, and the town shall not be liable for any damages or losses to the grantee by reason of such termination and the grantee shall move its franchise improvements at its own cost. (Ord. 414 § 18, 1999).

#### **12.10.190 Condemnation.**

The granting of any franchise shall not preclude the town from acquiring by purchase or condemnation any or all of the improvements installed by the grantee within the franchises. (Ord. 414 § 19, 1999).

#### **12.10.200 Nonexclusivity – Work not to interfere – Prior utilities' interference.**

(1) The grants and privileges herein enumerated shall not be deemed or held to be an exclusive franchise. It shall in no manner prohibit the town from granting other franchises of a like nature or franchises for other public or private utilities over, along, across, under and upon any of the streets, avenues, alleys, roads, highways, rights-of-way or other town properties as herein enumerated, and shall in no way prevent or prohibit the town from using any of the streets, avenues, alleys, roads, highways, rights-of-way or other town properties or affect its jurisdiction over them or any part of them.

(2) All construction or installation of mains, valves, pipes, poles, cables, lines, fittings and facilities, service, repair, or relocation of the same, performing along, over and/or under the town roads, rights-of-way or

other town properties subject to the franchise shall be done in such a manner as not to interfere with the construction and maintenance of other utilities, public or private, drains, drainage ditches and structures located therein, nor with the grading or improvement of such town roads, rights-of-way or other town properties.

(3) The owners of all other utilities, public or private, installed in such town roads, rights-of-way or other town properties prior in time to the lines and facilities of the grantee, shall have preference as to the positioning and location of such utilities so installed with respect to the grantee. Such preference shall continue in the event of the necessity of relocating or changing the grade of any such town road or right-of-way. (Ord. 414 § 20, 1999).

#### **12.10.210 Successors in interest.**

(1) All the provisions, conditions, requirements, and regulations herein contained shall be binding upon the successors, assigns and independent contractors of the grantee, and all rights and privileges of the grantee shall inure to its successors, assigns and such contractors equally as if they were specifically mentioned herein whenever the grantee is mentioned.

(2) The grantee, its successors and assigns shall have the right to sell, transfer or assign the franchise upon giving written notice to the South Cle Elum town clerk of its intention to do so not less than 60 days in advance of the date of any proposed transfer. (Ord. 414 § 21, 1999).

#### **12.10.220 Independent contractors.**

The obligations imposed upon the grantee by the express terms of the resolution granting such franchise, or implied by the terms of this chapter or any other ordinance affecting the same, include every employee, nominee or independent contractor of the grantee performing work in the town streets, avenues, alleys, roads, highways, rights-of-way or other town properties under contract, direction, request or authority of the grantee under this franchise, and the grantee, its agents, employees or independent contractors, severally, shall be responsible to the town for any injury or damage to town property or the expense incurred or suf-

ferred by the town in correcting defects in work replacing town roads or other improvements damaged by the acts or neglect of such servants, agents or independent contractors of grantee. (Ord. 414 § 22, 1999).

#### **12.10.230 Revocation of franchise.**

If the grantee, its successors or assigns, through wilful or unreasonable neglect, fail to heed or comply with any notice given to or obligation of the grantee established under the provisions of such grant, then the grantee, its successors or assigns, shall forfeit all rights conferred thereunder and such franchise may be revoked or annulled by the town council upon 30 days' written notice thereof to the grantee. (Ord. 414 § 23, 1999).

#### **12.10.240 Amendments to chapter.**

(1) The town reserves for itself the right at any time to change, amend, modify or amplify any of the provisions or conditions herein enumerated to conform to any state statute or county regulation or to protect the public welfare, health or safety as the town may deem appropriate, and such franchise may thereafter be terminated as provided in SCEMC 12.10.230 if such change, amendment, modification or amplification of this chapter is not complied with.

(2) The grantee, notwithstanding any other terms of such franchise appearing to the contrary, shall be subject to the police power of the town to adopt and enforce general ordinances necessary to protect the safety and welfare of the general public in relation to the rights granted in such franchise. (Ord. 414 § 24, 1999).

#### **12.10.250 Acceptance by grantee.**

If within 30 days of the granting of such franchise, the grantee shall have failed to sign its written acceptance of the same, then the granted rights and privileges therein shall be deemed forfeited and declared null and void. (Ord. 414 § 25, 1999).

## **Chapter 12.15**

### **EXCAVATIONS**

#### **Sections:**

- 12.15.010 Permits required.
- 12.15.020 Permit application requirements – Fee.
- 12.15.030 Length of permit validity.
- 12.15.040 Notification of superintendent.
- 12.15.050 Standard utility locations.
- 12.15.060 Safety standards.
- 12.15.070 Traffic control.
- 12.15.080 Construction methods and restrictions.
- 12.15.090 Standards for restoration of surfaces.
- 12.15.100 Clean-up.
- 12.15.110 Nonperformance by applicant – Town to perform work when – Costs.
- 12.15.120 Inspection.
- 12.15.130 “As-built” plans.
- 12.15.140 Violations – Penalties.
- 12.15.150 Indemnification.

#### **12.15.010 Permits required.**

It is unlawful for any person, firm, partnership, corporation or other entity to make any excavation in a public right-of-way, including town roads, streets, avenues, highways and alleys, without first having obtained a permit from the town. All parties shall apply for a permit from the town clerk-treasurer to work within the public right-of-way at least seven working days prior to commencement of work, unless otherwise approved in advance and in writing by the town superintendent (“superintendent” herein). (Ord. 415 § 1, 1999).

#### **12.15.020 Permit application requirements – Fee.**

(1) When applying for a right-of-way excavation permit, the applicant shall provide to the superintendent the following:

(a) A detailed sketch showing the proposed work in relation to the public right-of-way, other existing utilities and street improvements;

(b) A certificate of liability insurance naming the town of South Cle Elum as an additional insured with minimum limits of liability as stated in the most recent edition of Standard Specifications for Municipal Public Works Construction, published by the Washington chapter of the American Public Works Association (APWA); provided, however, that a self-insured public utility may submit a letter of responsibility in lieu of a certificate of liability insurance. Such letter of responsibility or certificate of liability insurance shall be approved as to form by the town attorney prior to acceptance by the town; and

(c) A statement regarding coordination with other utilities as to location of work so as not to interfere with those utilities.

(2) No opening shall be made until all necessary fittings and materials are available and on hand to complete all work.

(3) Franchised utilities shall utilize the standard locations for their facilities wherever practicable.

(4) An administrative fee of \$20.00 shall be charged for the review and issuance of each permit. (Ord. 415 § 2, 1999).

#### **12.15.030 Length of permit validity.**

A right-of-way excavation permit shall be valid for a time period not to exceed 120 days from the date of issuance; provided, however, that a public utility may request one extension of time, not to exceed 60 days in duration. Such request shall be written and received by the town clerk-treasurer at least seven days prior to the expiration date of the original permit. (Ord. 415 § 3, 1999).

#### **12.15.040 Notification of superintendent.**

The applicant shall notify the superintendent and town clerk-treasurer at least 48 hours prior to starting work. (Ord. 415 § 4, 1999).

#### **12.15.050 Standard utility locations.**

(1) Standard minimum depth requirements for underground utility services are as follows:

- (a) Electricity, 36 inches;
- (b) Telephone, 30 inches;
- (c) Natural gas, 30 inches;
- (d) Fiber optic, 42 inches.

(2) Any deviation from these standards must have written approval from the town engineer. (Ord. 415 § 5, 1999).

#### **12.15.060 Safety standards.**

The applicant is responsible for complying with all applicable local, state and federal health and safety codes, standards, regulations and/or accepted industry standards. It is the responsibility of the applicant to insure that its work force and the public are guarded against any hazards arising from activities of the applicant or its agents. (Ord. 415 § 6, 1999).

#### **12.15.070 Traffic control.**

(1) The applicant shall furnish, place and maintain all required traffic-control devices (both vehicular and pedestrian) as required in the most recent edition of the Manual on Uniform Traffic Control Devices, published by the Federal Highway Administration (FHWA).

(2) Any traffic restriction shall be approved by the town superintendent. (Ord. 415 § 7, 1999).

#### **12.15.080 Construction methods and restrictions.**

(1) The applicant shall not interfere with or obstruct the drainage of the town's underground fixtures for the conveyance of water or sewage, or the town's streets, lanes, alleys, highways or other public properties.

(2) No facilities shall be installed within five feet of any water main or other pipe or conduit or other utility without prior approval of the town engineer. This separation distance is for parallel facilities and not facility crossings.

(3) The applicant shall leave all trenches, ditches and tunnels in such a way as to interfere as little as possible with public travel and shall take all due and necessary precautions to guard the same so that damage or injury shall not occur or arise by reason of such work.

(4) The applicant, to the extent practicable, shall backfill all open trenches, ditches and tunnels at the conclusion of each day's work.

(5) Where any of the applicant's trenches, ditches or tunnels are left open at night, the applicant shall place warning lights and barricades at such a position as to give adequate warning of such work.

(6) Whenever practical, applicant shall jack, bore or auger lines under streets when a street crossing is required; otherwise, streets must be cut. (Ord. 415 § 8, 1999).

#### **12.15.090 Standards for restoration of surfaces.**

(1) The applicant shall, with reasonable promptness and no later than 20 days after the work is finished, restore the surface of such streets, avenues, lanes, highways and public places.

(2) The applicant shall satisfactorily restore all areas disturbed by construction activities to an equal or better condition than existed prior to construction. The following shall be considered the minimum acceptable depths of surfacing materials to be replaced dependent upon existing surfacing type:

(a) Asphalt concrete pavement and/or bituminous surface treatment surfacing:

(i) Three inches compacted depth asphalt concrete pavement, Class G, placed in two lifts;

(ii) Three inches compacted depth crushed surface top course (5/8"-0);

(iii) Eight inches compacted depth ballast (2-1/2"-0).

(b) Cement concrete sidewalk:

(i) Four inches thickness in pedestrian areas, 3,000 psi 28-day minimum compressive strength cement concrete;

(ii) Six inches thickness in vehicle areas, 3,000 psi 28-day minimum compression strength cement concrete;

(iii) Two inches compacted depth crushed surfacing top course (5/8"-0) under all cement concrete areas;

(iv) Refer to town sidewalk specifications as adopted.

(c) Gravel street:

(i) Three inches compacted depth crushed surfacing top course (5/8"-0);

(ii) Nine inches compacted depth ballast (2-1/2"-0);

(iii) Replace all ballast if mud or clay.

(d) Gravel street shoulder:

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

(3) Cement concrete curbs and gutters shall be replaced, where disturbed, with new cement concrete curbs and gutters as shown on any standard driveway detail and APWA specifications and standard plans as adopted by the town.

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

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

(6) All restoration materials and workmanship shall be in accordance with the most recent edition of the referenced APWA specification.

(7) All trench backfill and restoration materials must be compacted to 95 percent of maximum density at a maximum of six-inch lifts.

(8) All restoration work must be approved by the town superintendent.

(9) A cash deposit or bond in an amount to be determined by the town engineer may be required prior to commencing work in order guarantee materials and workmanship; provided, however, that self-insured public utilities shall be excluded from this requirement provided they have complied with SCEMC 12.15.020.

(10) All restoration materials and workmanship must be guaranteed for a one-year period following formal acceptance of the same by the town. Any remedial work required by the town during this guarantee period must be provided and performed by the applicant at the applicant's sole cost and expense when demanded by the town. (Ord. 415 § 9, 1999).

#### **12.15.100 Clean-up.**

The applicant is to restore all areas worked to equal or better condition than found within 20 days of completing the installation, weather



permitting. Any extension of time shall be approved in writing by the town superintendent. (Ord. 415 § 10, 1999).

**12.15.110 Nonperformance by applicant –  
Town to perform work when –  
Costs.**

The town may, upon 20 days' written notice to the applicant, at any time do, or order to have done, any and all work that it considers necessary to restore any area left in an unsatisfactory condition or in a condition, in the opinion of the town superintendent, dangerous to life or property; and the applicant, upon demand, shall pay to the town all costs of such work plus 10 percent. (Ord. 415 § 11, 1999).

**12.15.120 Inspection.**

The applicant shall pay, upon completion of the project and inspection by the appropriate city official, an inspection fee covering the actual cost of said inspection. A statement of costs shall be rendered to the applicant at the completion of the project (minimum of one hour). (Ord. 415 § 12, 1999).

**12.15.130 “As-built” plans.**

Within 30 days of completion of construction, the applicant shall provide a complete and detailed set of “as-built” plans to the town's street superintendent. (Ord. 415 § 14, 1999).

**12.15.140 Violations – Penalties.**

Any person, firm, partnership, corporation or other entity violating any of the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed \$5,000. (Ord. 415 § 15, 1999).

**12.15.150 Indemnification.**

The applicant shall fully indemnify and hold the town harmless from any and all liability which might arise as a result of the actions of the applicant, its agents, servants or employees. The town shall notify the applicant promptly of any action filed against the town, its agents or employees for damages arising out of or by reason of the excavation performed by the applicant, its agents or employ-

ees. In the event judgment shall be rendered against the town of South Cle Elum, its agents or employees, then in such suit or action the applicant will fully satisfy the judgment within 90 days after the suit or action has been finally determined. Acceptance by the town of any work performed by the applicant at the time of completion thereof shall not be a ground for avoidance of this hold harmless agreement. (Ord. 415 § 16, 1999).

## **Title 13**

### **PUBLIC UTILITIES**

#### **Chapters:**

**13.05 Water**

**13.10 Sewers**

**13.11 Water/Sewer Construction Standards**

**13.12 Sewer System Connection Charges**

**13.15 Cross-Connections**

**13.20 Water Supply**

**13.25 Electricity**

**13.30 Telecommunications, Cable, Right-of-Way Permits**

## Chapter 13.05

### WATER

#### Sections:

- 13.05.010 Definitions.
- 13.05.015 Mandatory water service.
- 13.05.020 Applications.
- 13.05.025 Connection fees and procedures.
- 13.05.030 Service pipes – Arrangement.
- 13.05.040 Service pipes – Placement and size.
- 13.05.050 Premises to be kept open to inspection.
- 13.05.060 Defacing service equipment.
- 13.05.070 Construction within town rights-of-way.
- 13.05.080 *Repealed.*
- 13.05.090 Repair of service pipes – Owner’s responsibility.
- 13.05.100 Defective equipment.
- 13.05.110 Turning off water and making connections – Written permission.
- 13.05.120 Opening fire hydrant.
- 13.05.130 Access for purpose of inspection.
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- 13.05.150 Shutting water off.
- 13.05.160 Water shortages – Town’s rights in event of.
- 13.05.170 Water use during fires.
- 13.05.180 Amendment of rules and regulations.
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- 13.05.200 Extension of water mains.
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- 13.05.220 Liens – Additional remedy.
- 13.05.230 Rates and charges.
- 13.05.231 Water reserve fund.
- 13.05.232 Water utility tax.
- 13.05.240 Reinstitution charge.
- 13.05.250 Prohibition on hookups in floodplain.
- 13.05.260 Violation – Penalty.
- 13.05.270 Water leakage adjustments.
- 13.05.280 Termination of water service for nonpayment.
- 13.05.290 Conditions for providing utility service outside the town.

- 13.05.300 Hookup fees, connection charges and other conditions.

#### 13.05.010 Definitions.

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

(1) “Outside the town limits” means and relates to territories situated beyond the corporate limits of the town of South Cle Elum.

(2) “Person” means and includes natural persons of either sex, associations, partnerships, corporations or other entities whether acting by themselves or by a servant, agent or employee. The single number shall be read to include the plural and the masculine pronoun to include the feminine.

(3) “Premises” when used in reference to residence means a single-dwelling unit.

(4) “Superintendent” shall mean the water and sewer superintendent of the town of South Cle Elum. (Ord. 416 § 1, 1999).

#### 13.05.015 Mandatory water service.

(1) The town municipal water system is the water system for the town and connection to the system for all water service is mandatory for all water provision. No other water service, potable or otherwise, shall be permitted to provide water service within the town unless specifically authorized, prior to the adoption of the ordinance codified in this section.

(2) The owner of lands located in the town who makes application for a short plat or preliminary plat that requires water availability from the town shall extend, at the owner’s cost, the municipal water system to serve the development, provided the town permits such extension.

(3) The owner of lands located in the town undertaking the new construction of a building shall connect to the municipal water system when the town permits such construction, unless an alternative water source exists and is in use prior to the adoption of the ordinance codified in this section.

(4) The owner of lands located in the town on which a private well or wells are located, and who applies to connect to a municipal water system, shall work with the town to seek authorization from the Washington State

Department of Ecology to transfer any water rights associated with the well or wells from the owner to the water service provider, or to the town if the provider does not accept the water rights. The owner of permitted water rights may seek compensation from the transferee under mutually agreed upon terms. Any such compensation paid by the town shall be based upon the value of the water, as determined by the town, made available to the town under such a transfer. Regardless of whether the Department of Ecology allows such a transfer of water rights, the well or wells shall be decommissioned in accordance with Washington State Department of Ecology requirements prior to connection to a municipal water system.

(5) The owner of lands located within the town's water service area that apply to connect to the water system shall sign a service agreement prohibiting the installation of an irrigation well or wells on their lands for which service is provided. (Ord. 553 § 1, 2015).

water service three-fourths of an inch in diameter or smaller, or \$3,910, for a service larger than three-fourths of an inch in diameter, plus

### **13.05.020 Applications.**

An application for a service installation for the use of water must be made on printed forms to be furnished at Town Hall by the town clerk-treasurer for each water service. The application must state fully all purposes for which town water is to be used, the location of the property to be served and the signature of the applicant agreeing to conform to all rules and regulations pertaining to the use of town water. Application may be made by the property owner or his duly authorized agent who, at the time of application, shall pay to the town clerk-treasurer a connection charge in the amount now existing or as hereafter established by the town council.

No user of water is entitled to use water other than for the purposes stated in the application form. (Ord. 522 § 1, 2011, Ord. 416 § 2, 1999).

### **13.05.025 Connection fees and procedures.**

(1) Applications for initial water service or requests to reconnect water service shall not be approved unless payment is received for the water hookup fee, presently set at \$2, 910, for

actual cost for meter box, lid, ring and other materials necessary to complete installation for service.

(2) The initial hookup fee for water service shall be reviewed and modified, if deemed appropriate by the town council, not less than annually. The fee may include costs of providing a connection as well as an equitable share of the cost of the system, including construction costs and interest thereon, and anticipated major rehabilitation and improvement costs.

(3) When water has been shut off for any cause, and is turned on again or allowed or caused to be turned on by the owner, no refund of rates will be made on account of its having been shut off, and the town may then shut off the water at the main, or remove a portion of the service connection in the street, and shall charge the actual cost of cutting out and reinstating the water supply, in addition to any outstanding utility charges or other balances, and the standard connection fees and costs.

(4) All service connections shall be metered. Water shall be furnished at meter rates, which will be no less than the established minimum charge per month. The meters, meter boxes, valves, stopcocks, and service lines from the main to the meter shall remain the property of the town and remain under its exclusive control.

(5) When new buildings are to be erected on the site of old ones and it is desired to increase the size or change the location of the old service connection, or where a service connection to any premises is abandoned or no longer used, the town may cut out or remove such service connection, after which, should a service connection be required to said premises, a new service shall be placed only upon the owner making an application for a new tap in the regular manner.

(6) Water for construction purposes may be furnished by meter, at a rate set by the town. All water for building of construction purposes shall be charged against the property upon which it is used, and the owner thereof. (Ord. 522 § 2, 2011)

### **13.05.030 Service pipes – Arrangement.**

(1) Service pipes must be arranged such that the water supply to each separate house, dwelling unit, or premises is separately metered, so that no multi-unit dwelling is served by a single meter.

(2) Where water is now supplied through one service to several houses, families or persons, the town may, at its discretion, either decline to furnish water until separate services are provided, or in case any one of the owners or occupants becomes delinquent or violates any of the provisions of this chapter, the town may shut off the original or main service until all delinquent and unpaid charges and other charges are paid, and the premises supplied by the main service shall be held responsible for all delinquent and unpaid charges against any one or all of the separate owners or users.

(3) When the water utility has been requested to attach a meter to pipes within a building or buildings occupied by several tenants, and it is divided without alteration being made in the plumbing that is divided, written notice and request to make such necessary alterations shall be given by the water department to the owner or occupant. In the event of failure to comply with said notice within 10 days after its date, the supply may be withdrawn until the alteration shall have been made. (Ord. 522 § 3, 2011; Ord. 416 § 3, 1999).

### **13.05.040 Service pipes – Placement and size.**

(1) When an application for water service is approved, service pipes and connections from the main line to and including the stopcock and meter will be installed and maintained by the town water department.

(2) No premises shall be allowed more than one service connection except for industrial or commercial usage, in which case each service shall be metered and paid for separately at commercial rates now existing or hereafter adopted by the town council. Fire mains are not subject to this subsection. (Ord. 522 § 4, 2011; Ord. 453 § 1, 2004; Ord. 417, 1999; Ord. 416 § 4, 1999).

**13.05.050 Premises to be kept open to inspection.**

The superintendent or his agents shall have access at all reasonable hours of the day for the purpose of inspecting the condition of the pipes and fixtures, the manner of water usage and reading water meters. Water users shall keep their premises adjacent to the water meter free of any material that would prevent meter access. In the event that the water meter is not accessible due to the accumulation of debris or causes other than force of nature such as accumulations of snow, water service may be disconnected and not reconnected until inspection is permitted. (Ord. 416 § 5, 1999).

**13.05.060 Defacing service equipment.**

It is unlawful for any person to break, deface or damage any water meters, gates, pipes or water fixtures or interfere with proper operation of any portion of the town water system. It is unlawful for any person to disconnect or remove any meter after installation unless the removal or disconnection is approved by the town. (Ord. 416 § 6, 1999).

**13.05.070 Construction within town rights-of-way.**

No person shall perform any construction or place structures of any kind within the roads, avenues, alleys, rights-of-way or other properties owned by the town without first obtaining a franchise and/or right-of-way permit, as the case may be, from the town of South Cle Elum. An applicant shall meet with the superintendent to review construction plans, who may, in his discretion, refer the same to the town engineer for review. Thereafter, the town council shall review and may approve plans to construct and install facilities within the town road, avenue, alley, right-of-way or other town property and issue a permit for such construction. The proponent of the construction or placement of structure upon such town road, avenue, alley, right-of-way or other town property shall be responsible for payment of all costs incurred by the town in processing and reviewing the proponent's submitted plans. Upon completion of any such construction, the person performing the construction

shall provide as-built drawings of such construction to the town of South Cle Elum. (Ord. 416 § 7, 1999).

**13.05.080 Meters property of town.**

*Repealed by Ord. 522. (Ord. 416 § 8, 1999).*

**13.05.090 Repair of service pipes – Owner's responsibility.**

The maintenance and repair of the service pipe on the user side of the water meter is the responsibility of the owner of the premises being served. The owner shall keep the service pipe in good working order and protect it from freezing at the expense of the owner of the premises. The owner shall be responsible for damages resulting from leaks or breaks. (Ord. 416 § 9, 1999).

**13.05.100 Defective equipment.**

(1) Water will not be furnished where there are defective or leaking faucets or other water fixtures, and when such may be discovered, the supply will be withdrawn until proper repairs are made at property owner's sole expense.

(2) If any person allows any faucet or pipe to run open, not irrigating or sprinkling, he shall be in violation of this chapter. In addition to other penalties prescribed by this chapter, water shall be immediately turned off from the premises and will not be restored until the penalties are paid. (Ord. 416 § 10, 1999).

**13.05.110 Turning off water and making connections – Written permission.**

No person will be allowed to make any connection with the town main, to connect pipes when they have been disconnected, make alterations in any pipe, or to turn on or off the water on any premises without written permission from the superintendent. Violation of this section shall result in an immediate termination of service. (Ord. 522 § 6, 2011; Ord. 416 § 11, 1999).

**13.05.120 Opening fire hydrant.**

(1) It is unlawful for any person, except when duly authorized by the superintendent or who is a member of the fire department, to open, operate, close, turn on, turn off, interfere with, attach any pipe or hose to, or connect anything to any fire hydrant, stop valve or stopcock belonging to the town.

(2) Any person other than the superintendent or members of the fire department requiring the use of any hydrant, stopcock or valve belonging to the town must make written application for the same in advance to the superintendent. (Ord. 416 § 12, 1999).

**13.05.130 Access for purpose of inspection.**

The superintendent and his agents shall have free access at reasonable hours of the day to all parts of buildings in which water may be delivered from the town mains, for the purpose of inspecting the condition of pipes and fixtures, and the manner in which the water is used. It is unlawful for any person to fail, neglect or refuse to give the superintendent and his duly authorized representatives free access at all reasonable times to all parts of buildings or premises supplied with town water for the purpose of making assessments, inspecting the condition of the pipes and fixtures, evaluating the amount of water used and the manner of use. If such access is not granted, the superintendent may shut off the service and the owner shall be required to pay any and all delinquent and unpaid charges against the premises, together with the shutoff and turn-on charges provided for in this chapter, as hereafter amended, before water service is restored. (Ord. 416 § 13, 1999).

**13.05.140 Water accounts kept in property owner's name.**

All accounts for water shall be kept in the name of the owner of the property, not in the name of the tenant, if any, and the owner shall be responsible for timely payment of all water charges. (Ord. 416 § 14, 1999).

**13.05.150 Shutting water off.**

The town reserves the right at any time, without notice, to shut off the water supply for repairs, extensions, nonpayment of rates or any other reason, including nonpayment of water, sewer, or other town utility bills, and the town shall not be responsible for any damages resulting therefrom; provided, however, that the town shall attempt to give advance notice to the owner of record whenever practicable. (Ord. 522 § 7, 2011; Ord. 416 § 15, 1999).

**13.05.160 Water shortages – Town's rights in event of.**

The town reserves the right in case of shortage of water, or for any other just cause, to make any order forbidding the use of water for irrigation or sprinkling, and the use thereof in contravention of the order shall be a violation of this chapter. (Ord. 416 § 16, 1999).

**13.05.170 Water use during fires.**

No person shall use any water for irrigation or sprinkling during the progress of any fire in the town and all irrigation and sprinkling shall be immediately stopped when an alarm of fire is sounded in the town, and such irrigation or sprinkling shall not begin again until the fire has been extinguished. Use of water in violation of this section is a violation of this chapter. (Ord. 416 § 17, 1999).

**13.05.180 Amendment of rules and regulations.**

The right is reserved to the town to amend or add to these rules and regulations or to change the water rates as may be necessary or as otherwise provided for elsewhere in this chapter. (Ord. 416 § 18, 1999).

**13.05.190 Open hoses and sprinkler head provisions.**

No water user shall permit open hoses to be allowed to run at any time. No sprinkler head shall apply water through an orifice larger than three-eighths of an inch and no water user shall utilize more than two sprinkler heads at any one time. (Ord. 416 § 19, 1999).

**13.05.200 Extension of water mains.**

All persons with premises located within the town of South Cle Elum who desire that water maintained by the town be extended to their premises shall be charged the actual cost of materials, labor, equipment, benefits and overhead costs incurred in the extension thereof plus 10 percent. Alternatively, any person wishing to extend water service to their premises may, at their sole expense, employ a duly licensed and bonded contractor to perform said work. In the event a person does so employ their own contractor to perform such work, the contractor shall provide the town street superintendent with a copy of its contractor registration and bond, and shall fully comply with all provisions of any right-of-way excavation or other permit requirements before work may commence on the proposed extension of water service. (Ord. 416 § 20, 1999).

**13.05.210 Collection of charges.**

All town utilities shall be considered as one utility for purposes of provision of services and collection of fees. The town may provide services and collect fees separately in its discretion. Water rates will be charged to property owners on a monthly basis, and bills shall be payable upon receipt. Charges unpaid after 30 days shall incur a penalty equivalent to 10 percent of the base rate for water service. Accounts remaining unpaid in subsequent billing cycles shall continue to incur the same penalty for each cycle. (Ord. 522 § 8, 2011; Ord. 416 § 21, 1999).

**13.05.220 Liens – Additional remedy.**

Notwithstanding the foregoing and in addition thereto, the town shall have a lien on delinquent and unpaid charges for water for charges up to four months past due, which shall be enforceable as provided by law. All of the liens and collection enforcements contained in this chapter are additional and concurrent methods and are not to be construed as excluding any other remedies available to the town by law. (Ord. 522 § 9, 2011; Ord. 416 § 22, 1999).

**13.05.230 Rates and charges.**

(1) The town council may at any time alter water rates and charges as set forth in this section. Changes shall be made by amendment in the manner provided by law; provided, however, that the following monthly meter rates shall be increased annually beginning January 1, 2024, by three percent each year and such increases shall be made without town council action. The monthly rates and charges effective January 1, 2023, shall be as follows:

**(2) Meter Rates – Within Town Limits.**

All rates in cubic feet (cf).

One cubic foot equals seven and one-half gallons.

Monthly base charge includes first 1,000 cf.

Size of Service	Base Charge
5/8- and 3/4-inch meter	\$94.30
1.0-inch meter	\$115.57
1.5-inch meter	\$168.76
2.0-inch meter	\$222.01
3.0-inch meter	\$327.71
4.0-inch meter	\$433.41
6.0-inch meter	\$645.58
<b>Additional usage, rate per cubic foot:</b>	
1,001 to 2,000 cf	\$0.013
2,001 to 4,000 cf	\$0.015
Over 4,000 cf	\$0.018

**(3) Meter Rates – Outside Town Limits.**

All rates in cubic feet (cf).

One cubic foot equals seven and one-half gallons.

Monthly base charge includes first 1,000 cf.

Size of Service	Base Charge
5/8- and 3/4-inch meter	\$103.90
1.0-inch meter	\$124.43
1.5-inch meter	\$181.02
2.0-inch meter	\$237.89
3.0-inch meter	\$350.73
4.0-inch meter	\$463.63
6.0-inch meter	\$690.24



Size of Service	Base Charge
<b>Additional usage, rate per cubic foot:</b>	
1,001 to 2,000 cf	\$0.015
Over 2,000 cf	\$0.018

(4) There shall be no water line hookups outside the town limits of the town of South Cle Elum without authorization by the town council in accordance with the South Cle Elum Municipal Code water policies set forth herein. (Ord. 632 § 1 (Att. A), 2022; Ord. 619 § 1 (Att. A), 2021; Ord. 607 § 1 (Att. A), 2021; Ord. 599 § 1 (Att. A), 2020; Ord. 586 § 1 (Att. A), 2018; Ord. 576 § 1 (Att. A), 2017; Ord. 571 § 1 (Att. A), 2017; Ord. 559 § 1, 2015; Ord. 550 § 1, 2014; Ord. 538 § 1, 2013; Ord. 530 § 1, 2012; Ord. 522 § 1, 2012; Ord. 485 § 1, 2007; Ord. 477 § 1, 2007; Ord. 449 § 1, 2003; Ord. 436 § 1, 2001; Ord. 416 § 23, 1999).

### **13.05.231 Water reserve fund.**

(1) Creation. There is created for the town a separate fund to be known as the “reserve fund for water and sewer utilities.”

(2) Additional Monthly Charge. Any and all firms, persons, or other legal entities connected to or using the water utilities of the town of South Cle Elum shall pay an additional monthly assessment equal to five percent of the monthly water bill calculated under SCEMC 13.05.230. The monthly billing will identify this as the water reserve charge and the money collected will be deposited into the reserve fund for water and sewer utilities.

(3) Use. This assessment shall be levied against the customer exclusively for the support and maintenance of the utility. The monies in this fund shall be used exclusively to provide a reserve fund for the capital costs of the water and sewer systems for the town of South Cle Elum. (Ord. 530 § 2, 2012; Ord. 510 § 1, 2011; Ord. 478 § 1, 2007).

### **13.05.232 Water utility tax.**

(1) Imposed. There is hereby imposed upon any and all firms, persons, or other legal entities connected to or using the water utilities of the town of South Cle Elum a utility tax which

shall be an additional monthly assessment equal to six percent of the monthly water bill amount calculated under SCEMC 13.05.230 and 13.05.231.

(2) Collection. The town clerk of the town of South Cle Elum is hereby authorized and directed to bill and collect the utility tax for the period commencing with the month of June, 2007, and each month thereafter. The monthly billing will identify this as the water utility tax.

(3) Disposition and Expenditure of Funds. The funds generated by this utility tax shall be deposited to and expended from the funds under the town of South Cle Elum budget heading “Current Fund.” (Ord. 479 § 1, 2007).

### **13.05.240 Reinstitution charge.**

(1) As used in this section, “existing water connection” means any premises having a connection to the town water system, whether or not water is currently being furnished to such premises.

(2) There may be existing water connections for which the owner or a predecessor in interest to the owner has paid a connection charge, but for which premises no service charges have been paid as a result of the premises having voluntarily not utilized town water service. Town water service will be reinstituted to the premises only upon payment of all the following amounts:

(a) Monthly town water service charges from the date of interruption of water service or from September 1, 1999, whichever amount is less, together with a late fee of 15 percent of that amount;

(b) Actual costs incurred in reestablishing service, including but not limited to town crew, backhoe, and other expenses actually incurred in reestablishing service, together with 15 percent of that amount representing town overhead;

(c) Charges for acquisition and installation of a water meter to the premises, if the premises does not already have a water meter, together with 15 percent representing town overhead;

(d) A reinstitution charge of \$100.00 shall be paid to the town in order to reestablish

service each time service to a location is disconnected and later reinstituted;

(e) *Repealed by Ord. 477.*

(3) The applicant must pay to the town, at the time of application for renewed service, an estimate of the amounts set forth above, which estimate shall be determined by the town superintendent. Any amounts deposited in excess of actual costs of installation and reconnection together with town overhead shall be refunded to the applicant. In the event that actual cost of reconnection exceeds the estimate, the applicant will be required to pay the difference prior to initiation of water service. (Ord. 477 § 2, 2007; Ord. 417, 1999; Ord. 416 § 24, 1999).

**13.05.250 Prohibition on hookups in floodplain.**

The town shall not provide any hookups in the floodplain zone when said hookups are forbidden by federal, state or county regulation or contracts with subdivisions or agencies of the federal or state government. (Ord. 416 § 25, 1999).

**13.05.260 Violation – Penalty.**

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$500.00. Any person violating the provisions of this chapter is liable to the town for all damages proximately caused by said violation, irrespective of whether said damages are compensatory, consequential or special damages. When the offense is one that relates to plumbing, leakage or other illegal use or waste of water, the superintendent may stop the supply of water to the offender. When the water has been turned off for a violation of provisions of this chapter, the town may withhold water usage and supply until all penalties have been paid. (Ord. 416 § 26, 1999).

**13.05.270 Water leakage adjustments.**

An water customer may request an adjustment to the customer's water bill due to a water leak within 15 days of the postmark on said bill by submitting a written request to the town council. Upon receipt of such a petition, the town clerk may administratively adjust the bill if the relief sought is under \$10.00. Such adjustments shall be reviewed with and bear the signature of the mayor as evidence of approval of the adjusted bill. Where a request is not administratively adjusted, the town clerk shall notify the town council and the petitioner of a scheduled appearance before the town council at its next regularly scheduled council meeting. At that scheduled meeting, the petitioner may present information regarding the leak in the water line orally or in writing; including the nature and cause of the leak, evidence of repair, and the amount of adjustment requested. The town council may, upon deliberation and passage of an oral motion recorded

in the official town minutes, grant a downward adjustment in a reasonable and equitable amount only upon good cause shown. No ratepayer may petition the town council more than one time per calendar year for such a downward adjustment. (Ord. 520 § 1, 2011; Ord. 468, 2006; Ord. 432, 2001; Ord. 416 § 27, 1999).

**13.05.280 Termination of water service for nonpayment.**

Upon any charges for water service becoming delinquent for over 30 days, the town may turn off the water, sewer, or other town utility service to the premises until all town utility charges, penalties, and interest are paid. At any such time as any town water customer is over 60 days delinquent in payment of its water bill, charges, or assessments, then the town shall undertake all acts necessary to disconnect service to that customer. The 60 days provided for herein shall be calculated from the date the bill, charges or assessments are due; provided, however, that at least 10 calendar days prior to the date on which the town intends to disconnect service, the town shall forward to the customer a notice advising of the town's intent to disconnect service for nonpayment. Any notice sent to a customer advising of the intent to disconnect service shall inform the customer that in addition to the outstanding fees or assessments that would have to be paid in order to restore water service following disconnection, it shall also advise the customer that the customer will be charged the customary connection fee in order to reconnect service. The same notice shall also advise the customer of the right to contest the validity of the bill, charge or invoice, as well as the date on which payment must be made in order to avoid disconnection of service. Any writing which is forwarded to the customer shall contain a copy of the delinquent billing, charge or assessment. (Ord. 522 § 10, 2011; Ord. 417, 1999; Ord. 416 § 30, 1999).

**13.05.290 Conditions for providing utility service outside the town.**

For purposes of any application for annexation into the town or any application for water or sewer services or other municipal utility service, the town may extend service only upon satisfaction of the town's engineer and town council that the following standards have been met:

(1) Except as provided herein, no application or request for water utility or sewer services, annexation, or other urban services shall be permitted for any parcel, lot, or combination thereof in excess of two acres, whether contiguous or not, whether owned by a single entity or person or not, if such lot/parcel does not already and lawfully possess sufficient and perfected water rights capable of serving the proposed area to be annexed into the town or served by the town's water and sewer systems. Such water rights must be capable of being quantified and have received any required review and approval by the Department of Ecology for transfer and acceptance by the town council into the town's water supply system. Such supplies shall at a minimum have been conditionally approved under ongoing proceedings in *DOE v. James J. Acquevella*, Yakima County Cause No. 77-2-01484-5. Such supplies shall be an equivalent or approximate amount to supply such property as determined by the town engineer for use in the town's water supply system which is capable of providing adequate supply for initial or phased development of the property. The town reserves its rights to deny an application, grant approval with conditions, and permit hookup to serve only a portion of the property sought by an applicant to be annexed into or served by town utility systems which can be adequately served by the applicant's actual and available water resources within the operational constraints of the town's water and sewer system. Similarly, the town further reserves its right to deny, approve, approve for a portion of the property, or condition approval of an application for annexation or for town utility services based upon the capacity, operating condition and capability of the town's wastewater treatment facility. The town engineer may require

participation in utility local improvement district upgrades for the town's water and sewer system, and may establish water conservation standards consistent with the town's water code, as may hereinafter be amended. These conditions and standards may establish maximum average daily use of gallons per day in an amount less than the presently approved GPD for ERUs, and may further include but not be limited to: the conversion or required installation of water-saving devices, low-flush toilets, flow head restrictors, peak demand charges, time-of-use restrictions, limitation on irrigation, installation of drought-resistant landscaping, and on-site storage of captured storm water for treatment and controlled releases consistent with the town's storm water standards as may hereafter be amended.

(2) With the approval of the town engineer and the town council, the town may accept water supplies from water reuse and exempt residential wells or other exempt wells not requiring an appropriative permit for groundwater or surface water rights as approved under applicable Department of Ecology regulations which permit potable water supplies for limited residential uses or reuse of treated waste water to the extent that the Department of Ecology approves the lawful transfer of such water supplies into the town's water supply system.

(3) No connection shall be made to any applicant's qualifying property or improvements, its heirs, successors, and assigns, until and unless adequate safeguards have been made and accepted by the town to adequately defend, indemnify, and hold the town harmless from and against any liability, appeals, judicial review, complaints, writs of review and other extraordinary or equitable relief, including reimbursement for any costs, fees, expert fees, expenses for any related legal, judicial, agency, administrative or appellate action(s) related to or arising out of such application or attempted transfer of water rights to the town of South Cle Elum.

(4) Any transfer to the town of such water rights shall be permitted only upon the execution on forms prepared by the town requiring, without limitation: the execution of a perpetual

and appurtenant no protest annexation agreement, a no protest local improvement agreement, a no protest utility local improvement district agreement, and/or developer's extension agreement. The town expressly reserves its right to condition utility service upon the execution of any or all of these agreements upon terms and conditions as are determined to be necessary by the town council and town engineer.

(5) Any transfer to the town may be further conditioned by development or permit conditions reasonably related to project impacts, including the payment of impact fees, fees under Chapter 82.02 RCW, or mitigation fees or conditions imposed under the State Environmental Policy Act, implementing SEPA regulations, SCEMC Titles 16, 17 and 18, as may now exist or which may hereinafter be amended, adopted SEPA policies, developer agreements under RCW 36.70B.170, the requirements of interlocal agreements with Kittitas County, special purpose districts, or municipalities, or landowner agreements entered into under Chapters 35.91 and 35.92 RCW.

(6) Agreements with landowners and the town for purposes of siting or acquisition of properties for municipal facilities under Chapters 35.91 and 35.92 RCW may contain different terms and conditions than provided in subsections (1) through (5) of this section. (Ord. 436 § 2, 2001).

### **13.05.300 Hookup fees, connection charges and other conditions.**

Connection to properties outside of the town's municipal boundaries is discretionary. No water connection to any lot or parcel containing an improved structure may be made to person or property outside the town limits or current service boundaries without first having been executed either a developer's extension agreement, annexation agreement or no protest annexation agreement as determined by the town of South Cle Elum. Fees and charges shall be no less than fees and charges or other conditions for applicable hookup and service within the town as currently exist or as may hereinafter exist in the future. The town may

provide for different terms and conditions for the owners of any properties upon which it located or seeks to locate any municipal utility facilities for the purposes of SCEMC Title 13 and this section for purposes of acceptance of water supplies into the town's supply system through utility/landowner agreements, development agreements, interlocal agreements with Kittitas County and other jurisdictions, no protest annexation agreements, or developer extension agreements. To the extent permitted by law, the town may impose surcharges and rates different from those charged within its classes of customers located within the town's boundaries; provided, that these rates, conditions, and charges are reasonably related to the cost and system impact of extending service requested by the owner of real property or lawful occupant, maintain system capacity and operational reliability, maintenance, improvements, repairs, storage, pressure zone requirements, and fire flow capability, and other factors determined to be reasonable and necessary by the town council. Any customer granted water under these terms and conditions shall also be subject to mandatory town water conservation programs, including but not limited to conservation surcharges, conservation devices and equipment, time-of-use restrictions, and increased rates for usage above adopted rates by the town. (Ord. 436 § 3, 2001).

## South Cle Elum Municipal Code

### Chapter 13.10

#### SEWERS

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**Article I. Definitions**

**13.10.005 Context.**

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows. (Ord. 362 Art. I, 1992).

**13.10.010 Applicant.**

“Applicant” shall mean the owners, or authorized agent of the property to be served, and the applicant shall be the responsible person for payment of bills for sanitary sewer and/or domestic water service. (Ord. 362 Art. I § 1, 1992).

**13.10.020 BOD.**

“BOD” (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory pro-

**13.10.030 Building drain.**

“Building drain” shall mean that part of the lowest horizontal piping of a discharge system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall. (Ord. 362 Art. I § 3, 1992).

**13.10.040 Building sewer.**

“Building sewer” shall mean the extension from the building drain to the public sewer or other place of disposal. (Ord. 362 Art. I § 4, 1992).

**13.10.050 Combined sewer.**

“Combined sewer” shall mean a sewer receiving both surface drainage and sewage. (Ord. 362 Art. I § 5, 1992).

**13.10.060 Domestic water or domestic water system.**

“Domestic water” or “domestic water system” shall mean that water and water system in which it is carried, which is for human consumption and normal household and business or industrial uses provided from the town’s supply. (Ord. 362 Art. I § 6, 1992).

**13.10.070 Garbage.**

“Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce. (Ord. 362 Art. I § 7, 1992).

**13.10.080 Industrial wastes.**

“Industrial wastes” shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage. (Ord. 362 Art. I § 8, 1992).

**13.10.090 Inspector.**

“Inspector” shall mean the appointed inspector for the town or his authorized deputy, agent or representative. (Ord. 362 Art. I § 9, 1992).

**13.10.100 Natural outlet.**

“Natural outlet” shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water. (Ord. 362 Art. I § 10, 1992).

**13.10.110 Person.**

“Person” shall mean any individual, firm, company, association, society, corporation or group. (Ord. 362 Art. I § 11, 1992).

**13.10.120 pH.**

“pH” shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. “pH” is an expression of the intensity of the basic or acid condition of a liquid. (Ord. 362 Art. I § 12, 1992).

**13.10.130 Properly shredded garbage.**

“Properly shredded garbage” shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension. (Ord. 362 Art. I § 13, 1992).

**13.10.140 Public sewer.**

“Public sewer” shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority. (Ord. 362 Art. I § 14, 1992).

**13.10.150 Sanitary sewer.**

“Sanitary sewer” shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted. (Ord. 362 Art. I § 15, 1992).

**13.10.160 Sewage.**

“Sewage” shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present. (Ord. 362 Art. I § 16, 1992).



**13.10.170 Sewage treatment plant.**

“Sewage treatment plant” shall mean any arrangement of devices and structures used for treating sewage. (Ord. 362 Art. I § 17, 1992).

**13.10.180 Sewage works.**

“Sewage works” shall mean all facilities for collecting, pumping, treating and disposing of sewage. (Ord. 362 Art. I § 18, 1992).

**13.10.190 Sewer.**

“Sewer” shall mean a pipe or conduit for carrying sewage. (Ord. 362 Art. I § 19, 1992).

**13.10.200 Shall.**

“Shall” is mandatory; “may” is permissive. (Ord. 362 Art. I § 20, 1992).

**13.10.210 Slug.**

“Slug” shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration of flows during normal operation. (Ord. 362 Art. I § 21, 1992).

**13.10.220 Storm drain.**

“Storm drain” (sometimes termed “storm sewer”) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water. (Ord. 362 Art. I § 22, 1992).

**13.10.230 Suspended solids.**

“Suspended solids” shall mean solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering. (Ord. 362 Art. I § 23, 1992).

**13.10.240 Town clerk-treasurer.**

“Town clerk-treasurer” shall mean the appointed town clerk-treasurer of the town or his authorized deputy, agent or representative. (Ord. 362 Art. I § 24, 1992).

**13.10.250 Watercourse.**

“Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently. (Ord. 362 Art. I § 25, 1992).

**Article II. Sewer Department and Superintendent Duties**

**13.10.260 Department established.**

A water and sewer department of the town of South Cle Elum is established. The officers and other employees shall consist of a superintendent and such other personnel as the town council may from time to time deem necessary for the efficient administration of the department. (Ord. 362 Art. II § 1, 1992).

**13.10.270 Appointment of superintendent and other personnel.**

The superintendent of the sewer department and such other personnel as the town council may from time to time authorize shall be appointed by the mayor and shall hold such appointment during the pleasure of the mayor. The superintendent and such other personnel as may be authorized shall receive such salary as the town council may determine. (Ord. 362 Art. II § 2, 1992).

**13.10.280 Superintendent – Duties.**

The duties of the superintendent shall be to oversee and superintend the operation and maintenance of the sewer system, the making of repairs of all kinds, the construction of all extensions and additions and all construction work of whatever nature whatsoever in connection with the present sewer and any new systems that may be established. The superintendent shall at all times be subject to the direction and authority of the mayor. (Ord. 362 Art. II § 3, 1992).

**Article III. Sewage Disposal**

**13.10.290 Unsanitary deposit prohibited.**

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the town of South Cle Elum, or in any

area under the jurisdiction of said town, any human or animal excrement, garbage or other objectionable waste. (Ord. 362 Art. III § 1, 1992).

#### **13.10.300 Unlawful discharge.**

It shall be unlawful to discharge to any natural outlet within the town of South Cle Elum, or in any area under the jurisdiction of said town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter. (Ord. 362 Art. III § 2, 1992).

#### **13.10.310 Construction of sewage disposal facility unlawful.**

It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage. (Ord. 362 Art. III § 3, 1992).

#### **13.10.320 Connection to town sewer system required.**

The owner of each lot or parcel of real property within the town, not already connected to public sewer system of the town, upon which lot or parcel of property there is situated any building or structure for human occupation or use for any other purpose, shall install suitable toilet facilities therein, and shall connect such facilities together with all other facilities therein the use of which results in the existence of sewage as defined herein, with the public sewer system, at his own expense (within 30 days after publication in the official newspaper of the town of a notice to do so, signed by the town clerk-treasurer. Such installation and connection shall be commenced within 30 days following such notice.) (Ord. 362 Art. III § 4, 1992).

#### **13.10.325 Connection to town sewer system – Exception.**

Notwithstanding the requirements of SCEMC 13.10.320, whenever the town council determines, after consultation with the town engineer and town superintendent, that it is impractical by reason of the topography of the land and/or the distance of the property from

any existing sewer lines for new development to connect to the town's public sewer system, a private sewage disposal and treatment system may be installed subject to the requirements and in accordance with the provisions of the Kittitas County health authority. The property owner shall operate and maintain the private sewage disposal and treatment system facilities in a sanitary manner at all times and at no expense to the town. No sewage shall be permitted to discharge to any natural outlet or to the ground surface. (Ord. 467 § 1, 2006).

#### **13.10.330 Connection of private systems to public sewer.**

At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be removed or decommissioned in a sanitary manner, according to the Kittitas County health department requirements, at no expense to the town. (Ord. 362 Art. III § 5, 1992).

#### **13.10.340 Connection to public sewer – Cleaning and filling.**

When a public sewer becomes available, the building sewer shall be connected to said sewer within 60 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bankrun gravel or dirt. (Ord. 362 Art. III § 6, 1992).

#### **13.10.350 Connection to public sewer – Failure to connect.**

In the event the building sewer and connection are not made within the time herein provided for following notice, the superintendent is hereby authorized and directed to cause the same to be made and to file a statement of the cost thereof with the town clerk-treasurer and thereupon a warrant shall be issued under the direction of the town council against the sewer reserve fund for the payment of such cost. Such amount, together with a penalty of 10 percent thereof, plus interest at the rate of eight percent per annum upon the total amount of the

cost and penalty, shall be assessed against the property upon which such building sewer and connection has not been placed as required, and shall become a lien thereon as herein provided. Such total amount, when collected, shall be paid into the sewer reserve fund. (Ord. 510 § 2, 2011; Ord. 362 Art. III § 7, 1992).

**Article IV. Building Sewers and Connection****13.10.360 Permit required.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent. No unauthorized person shall open, alter or disturb the streets or alleys of the town of South Cle Elum for the purpose of making connection

with the public sewer system without first obtaining a written permit therefor from the superintendent. (Ord. 362 Art. IV § 1, 1992).

#### **13.10.370 Permit application – Inspection fee.**

There shall be two classes of building sewer permits: (1) for residential and commercial services, and (2) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a form furnished by the town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the superintendent. A permit and inspection fee of \$975.00 for a single-family residential, commercial or industrial building sewer permit shall be paid to the town at the time the application is filed. (Ord. 362 Art. IV § 2, 1992).

#### **13.10.380 Costs borne by owner.**

All cost and expense incident to the installation and connection and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The correction charge set out in the schedule of rates and charges shall be paid in addition to the foregoing costs and expenses and shall represent a contribution toward the expense of construction of the town sewerage system and sewage disposal facilities. (Ord. 362 Art. IV § 3, 1992).

#### **13.10.390 Separate building sewer required.**

A separate and independent building sewer shall be provided for every building requiring a sewerage connection; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but in such event, each such building shall pay the same

sewerage and connection charges as if it were separately connected to the town sewerage system. (Ord. 362 Art. IV § 4, 1992).

#### **13.10.400 Use of old building sewers.**

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the inspector, to meet all requirements of this chapter. (Ord. 362 Art. IV § 5, 1992).

#### **13.10.410 Construction standards.**

The size, slope, alignment and materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply. (Ord. 362 Art. IV § 6, 1992).

#### **13.10.420 Building sewer elevation.**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. (Ord. 362 Art. IV § 7, 1992).

#### **13.10.430 Connection to surface runoff and ground water prohibited.**

No person shall make connections of roof downspouts, exterior foundation drains, area-way drains, sump pumps or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. (Ord. 362 Art. IV § 8, 1992).

#### **13.10.440 Connection requirements.**

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or

other applicable rules and regulations of the town or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation. (Ord. 362 Art. IV § 9, 1992).

#### **13.10.450 Building sewer – Inspection and connection.**

The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the superintendent or his representative. (Ord. 362 Art. IV § 10, 1992).

#### **13.10.460 Excavations – Barricades required – Restoration.**

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town. The owner and his contractor shall comply with all applicable OSHA and WISHA rules and regulations. (Ord. 362 Art. IV § 11, 1992).

#### **13.10.470 Connection fee.**

*Repealed by Ord. 434.* (Ord. 362 Art. IV § 12, 1992).

### **Article V. (Reserved)**

### **Article VI. Use of the Public Sewers**

#### **13.10.480 Prohibited discharges to sanitary sewers.**

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer. (Ord. 362 Art. VI § 1, 1992).

#### **13.10.490 Unpolluted drainage discharges.**

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the superintendent, to a storm sewer or natural outlet. (Ord. 362 Art. VI § 2, 1992).

#### **13.10.500 Waters and wastes prohibited from discharge.**

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid, gas or used motor oil.

(2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either single or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/l as CN in the wastes as discharged to the public sewer.

(3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with

the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders. (Ord. 362 Art. VI § 3, 1992).

### **13.10.510 Substances prohibited from discharge.**

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as quantities of subject wastes in relation to flows and velocities in the sewers, materials or construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant and other pertinent factors. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).

(2) Any water or waste containing fats, waste-activated sludge, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit and 150 degrees Fahrenheit (one degree and 65 degrees Celsius).

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.

(4) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.

(5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an

excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limit established by the superintendent for such materials.

(6) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state federal or other public agencies or jurisdiction for such discharge to the receiving waters.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.

(8) Any waters or wastes having a pH in excess of 9.5.

(9) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(c) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(d) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters. (Ord. 362 Art. VI § 4, 1992).

**13.10.520 Discharge of prohibited substances – Actions of superintendent.**

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in SCEMC 13.10.510 and which in the judgment of the superintendent may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of SCEMC 13.10.570.

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent and subject to the requirements of all applicable codes, ordinances and laws. (Ord. 362 Art. VI § 5, 1992).

**13.10.530 Grease, oil and sand interceptors.**

Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. (Ord. 362 Art. VI § 6, 1992).

**13.10.540 Maintenance of preliminary treatment facilities.**

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner or at his expense. (Ord. 362 Art. VI § 7, 1992).

**13.10.550 Control manhole.**

When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times. (Ord. 362 Art. VI § 8, 1992).

**13.10.560 Analysis of waters and wastes.**

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewer works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples shall be taken. Normally, but not always, BOD and suspended solids analyses are obtained from

24-hour composites of all outfalls, whereas pHs are determined from periodic grab samples. (Ord. 362 Art. VI § 9, 1992).

**13.10.570 Industrial concern and town agreement.**

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefor, by the industrial concern. (Ord. 362 Art. VI § 10, 1992).

**Article VII. User Charges**

**13.10.580 Public sewer charges.**

The town council may at any time alter sewer rates and charges as set forth in this section. Changes shall be made by amendment in the manner provided by law; provided, however, that the following monthly rates shall be increased annually beginning January 1, 2024, by three percent each year and such increases shall be made without town council action. The monthly rates and charges effective January 1, 2023, for public sewer service inside the corporate limits of the town of South Cle Elum shall be upon the following monthly schedule:

Residences	\$45.13
Cabins, apartments, cabooses	\$45.13
	per cabin, apt. or caboose
General stores and offices with private facilities	\$45.13
Churches and halls	\$59.23
Barber, beauty shops, groceries, meat markets, drugstores with fountain and similar facilities	\$59.23
Commercial and self-service laundries	\$59.23
Taverns, cafes, theaters, depots	\$59.23
Garages or service stations	\$59.23

Fruit warehousing and processing plants	\$59.23
Schools – Per student and operating	\$0.102 per person

Commercial office buildings – Approximately 75 personnel	\$0.102 per person
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In the case of sewer service to customers outside the corporate limits of the town of South Cle Elum, those customers shall be charged the same rate as those customers receiving equivalent services inside the corporate limits of the town of South Cle Elum. (Ord. 632 § 1 (Att. A), 2022; Ord. 619 § 1 (Att. A), 2021; Ord. 607 § 1 (Att. A), 2021; Ord. 599 § 1 (Att. A), 2020; Ord. 586 § 1 (Att. A), 2018; Ord. 576 § 1 (Att. A), 2017; Ord. 571 § 1 (Att. A), 2017; Ord. 559 § 2, 2015; Ord. 550 § 2, 2014; Ord. 538 § 2, 2013; Ord. 463 § 1, 2005; Ord. 450 § 1, 2003; Ord. 383 § 1, 1996; Ord. 362 Art. VII § 1, 1992).

**13.10.581 Sewer reserve fund.**

(1) Creation. There is created for the town a separate fund to be known as the “reserve fund for water and sewer utilities.”

(2) Additional Monthly Charge. Any and all firms, persons, or other legal entities connected to or using the sewer utilities of the town of South Cle Elum shall pay an additional monthly charge equal to five percent of the monthly sewer bill calculated under SCEMC 13.10.580. The monthly billing will identify this as the sewer reserve charge and the money collected will be deposited into the reserve fund for water and sewer utilities.

(3) Use. This assessment shall be levied against the customer exclusively for the support and maintenance of the utility. The moneys in this fund shall be used exclusively to provide a reserve fund for the capital costs of the water and sewer systems for the town of South Cle Elum. (Ord. 530 § 3, 2012; Ord. 510 § 3, 2011; Ord. 478 § 2, 2007).



**13.10.582 Sewer utility tax.**

(1) Imposed. There is hereby imposed upon any and all firms, persons, or other legal entities connected to or using the sewer utilities of the town of South Cle Elum a utility tax which shall be an additional monthly assessment

equal to six percent of the monthly sewer bill amount calculated under SCEMC 13.10.580 and 13.10.581.

(2) Collection. The town clerk of the town of South Cle Elum is hereby authorized and directed to bill and collect the utility tax for the period commencing with the month of June, 2007, and each month thereafter. The monthly billing will identify this as the sewer utility tax.

(3) Disposition and Expenditure of Funds. The funds generated by this utility tax shall be deposited to and expended from the funds under the town of South Cle Elum budget heading "Current Fund." (Ord. 479 § 2, 2007).

#### **13.10.590 Vacant or unoccupied premises charges.**

There shall be no credit for vacant or unoccupied premises as to public sewer services. (Ord. 477 § 3, 2007; Ord. 362 Art. VII § 2, 1992).

#### **13.10.600 Sewer charges – When due.**

All charges for sewerage service shall be due and payable at the office of the town clerk-treasurer on or before the tenth day after the bill has been issued therefor and shall become delinquent after said tenth day. Sewerage bills shall be issued together and with the monthly water collection charges upon a single statement where feasible. All payments and collections for sewerage service shall be paid into the sewer fund. (Ord. 510 § 4, 2011; Ord. 362 Art. VII § 3, 1992).

#### **13.10.610 Sewer charges lien upon property.**

All charges for sewer connections and service and all service charges provided in this chapter, or as may be hereafter amended, together with penalties and interest thereon, shall be a lien upon the property with which such connections are made or to which such sewerage service is rendered, superior to all other liens and encumbrances whatsoever, except for general taxes and local special assessments. Enforcement of such lien or liens shall be in the manner provided by law. (Ord. 362 Art. VII § 4, 1992).

#### **13.10.620 Enforcement of lien – Cutting off of water service.**

All town utilities shall be considered as one utility for purposes of provision of services and collection of fees. The town may provide services and collect fees separately in its discretion. As an additional and concurrent method of enforcing the lien of said town for sewerage charges, the superintendent is hereby authorized and directed at the end of 60 days after the date of first delinquency of any of such sewerage charges to cut off the water service from the premises where such services are provided until such time as all town utility charges, plus penalties in the sum of 10 percent of the unpaid charges, plus interest at the rate of eight percent per annum upon such unpaid charges and penalties, together with an additional sum as provided in Chapter 13.05 SCEMC for turning the domestic water on, shall have been paid. (Ord. 522 § 11, 2011; Ord. 362 Art. VII § 5, 1992).

### **Article VIII. Protection from Damage**

#### **13.10.630 Damage to sewage works prohibited.**

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. 362 Art. VIII § 1, 1992).

### **Article IX. Powers and Authority of Inspectors**

#### **13.10.640 Permission to enter properties.**

The superintendent and other duly authorized employees of the town of South Cle Elum bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The superintendent or his representative shall have no authority to inquire into any processes, including metallurgical, chemical oil, refining,

ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. (Ord. 362 Art. IX § 1, 1992).

#### **13.10.650 Indemnification against damage by town employees.**

While performing the necessary work on private properties referred to in SCEMC 13.10.640, the superintendent or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the town employees and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in SCEMC 13.10.550. (Ord. 362 Art. IX § 2, 1992).

### **Article X. Penalties**

#### **13.10.660 Violation – Notice.**

Any person found to be violating any provision of this chapter except Article VIII shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. (Ord. 362 Art. X § 1, 1992).

#### **13.10.670 Violation – Penalty.**

Any person who shall continue any violation beyond the time limits provided for in SCEMC 13.10.660, and not provide proof of correction, shall be guilty of a civil offense and on conviction thereof shall be fined in the amount not exceeding \$5,000 for each violation. Each day in which any such violation occurs shall be deemed a separate offense. In addition to, or in lieu of, any civil offense the town may separately assess a fine of \$50.00 for

each day a person continues in violation beyond the time limits in SCEMC 13.10.660. Such fine shall be assessed as a service charge against the person's account. (Ord. 572 § 1, 2017; Ord. 362 Art. X § 2, 1992).

#### **13.10.680 Violation – Termination of service.**

If a person violates Article IV or VI of this chapter and does not provide proof of all required or necessary corrections, the town may terminate water service for the premises until such proof is provided. (Ord. 572 § 2, 2017).

**Chapter 13.11**

**WATER/SEWER  
CONSTRUCTION STANDARDS**

Sections:

13.11.010 Construction standards adopted.

13.11.020 Available where.

**13.11.010 Construction standards adopted.**

The following standards are hereby adopted by reference: City of Cle Elum Construction Standards for the Private Construction of Public Facilities dated February, 2002, pages 171 through 172, and as included in and amended, from time to time, by that City of Cle Elum/Town of South Cle Elum Comprehensive Water Plan dated December, 2006, and including Appendices A and B thereto. (Ord. 476 § 1, 2007).

**13.11.020 Available where.**

Copies of the current Construction Standards for the Private Construction of Public Facilities shall be kept at Town Hall and made available to the public during regular business hours. (Ord. 476 § 1, 2007).

**Chapter 13.12****SEWER SYSTEM  
CONNECTION CHARGES**

## Sections:

- 13.12.010 Purpose and intent.
- 13.12.020 Sewer connection fees and charges required.
- 13.12.030 System connection charge.
- 13.12.040 Capital reimbursement charge.
- 13.12.050 Schedule of equivalent residential units (ERUs).
- 13.12.060 Responsibility of customer to install.
- 13.12.070 Low-income housing facilities schedule of charges.
- 13.12.080 Collection of sewer charges.

**13.12.010 Purpose and intent.**

The system of sewer connection charges and fees established in this section is intended to accomplish the following purposes:

(1) Establish a charge which brings new customers into an equity position with current, long-term customers, regarding the present value of the interceptor collection system.

(2) Establish a charge which proportionately allocates the cost of new system treatment capacity to those new customers which use that capacity.

(3) Establish a schedule of ERUs which sets the buy-in and new capacity connection charges on the basis of total strength and volume of wastewater generated.

(4) Assign the responsibility for installation of approved new customer hookups to the customer, and provide for town inspection and approval of the work, along with accompanying administrative fee.

(5) Establish modified charges and rates for low-income housing facilities. (Ord. 434 § 2, 2001).

**13.12.020 Sewer connection fees and charges required.**

As provided in this section, all new sewer customers shall be required to pay a connection charge which shall include a system con-

nection charge and a capital reimbursement charge. (Ord. 434 § 2, 2001).

**13.12.030 System connection charge.**

All connections to the public sewer shall be made by a licensed contractor and inspected by the town superintendent. The fee for connection to the public sewer is \$1,975. (Ord. 452 § 1, 2004; Ord. 434 § 2, 2001).

**13.12.040 Capital reimbursement charge.**

The capital reimbursement charge is based on the cost of providing new treatment capacity. The capital reimbursement charge is set at \$3,938/ERU. (Ord. 533 § 1, 2013; Ord. 459B § 1, 2005; Ord. 434 § 2, 2001).

**13.12.050 Schedule of equivalent residential units (ERUs).**

The following list of ERU values shall serve as the basis for calculating buy-in and new capacity charges. This list is derived from Table G2-1, page G2-6, Criteria for Sewage Works Design, Washington Department of Ecology.

Single-family residence	1.00 ERU
Townhouse	0.85 ERU
Apartment	0.70 ERU
Motels and hotels	0.40 ERU per unit with kitchenette
	0.20 ERU per unit without kitchenette
Restaurants and bars	0.25 ERU per seat
Shopping center	0.60 ERU per 1,000 square feet
Church	0.02 ERU per seat
Country club	0.30 ERU per member
Bowling alley	0.45 ERU per lane
Nursing home	1.15 ERU per bed
Home for aged	0.60 ERU per bed
Theater (all types)	0.03 ERU per seat
Swimming pool	0.06 ERU per person capacity
Doctor and dentist office	1.40 ERU per chair or examining room
Factories – sanitary use only	0.10 ERU per employee
Grocery store	0.10 ERU per employee
Grocery store	1.30 ERU add-on per sink disposal unit

Laundromat	0.90 ERU per machine
Service stations – no service bays	0.10 ERU per pumping station
Service stations – with service bays	1.05 ERU add-on per service bay
Service stations – with wash bays	0.35 ERU add-on per car wash bay
Service stations – with wash bays	0.60 ERU add-on per truck wash bay

By custom facility (not fitting into any above type of facility):

Washing machine	0.20 ERU per machine (3 or more, use 0.90 ERU)
Dishwasher	0.03 ERU (home style – less than 2 machines)
Bathtub	0.10 ERU per tub
Garbage disposal	1.30 ERU per sink add-on
Shower	0.15 ERU per showerhead
Washbasin	0.01 ERU per sink
Water closet (toilet)	0.03 ERU per toilet

Note: The minimum ERU value, for purposes of determining connection charges and fees, shall be one ERU.

(Ord. 434 § 2, 2001).

### **13.12.060 Responsibility of customer to install.**

The customer shall be responsible for installation of the sanitary sewer service line from the property boundary to the town main. This work shall be done by a licensed and bonded contractor, subject to town inspection and acceptance and shall include installation of the line, street cutting, backfill, compaction, ballast, patching and traffic control. (Ord. 434 § 2, 2001).

### **13.12.070 Low-income housing facilities schedule of charges.**

For development proposals designed to serve low-income recipients, with a qualifying income level at or below 40 percent of the county median income level, the sewer connection charges for one- and two-bedroom units shall be as follows:

	<u>Connection</u>	<u>Capital Reimb.</u>	<u>Total</u>
1-bedroom:	\$975.00	\$1,606.50	\$2,581.50
2-bedroom:	975.00	1,701.00	2,676.00

(Ord. 434 § 2, 2001).

### **13.12.080 Collection of sewer charges.**

All charges for sewer connection and capital reimbursement shall be collected at the time of issuance of the building permit. (Ord. 434 § 2, 2001).

**Chapter 13.15****CROSS-CONNECTIONS**

## Sections:

- 13.15.010 Definitions.
- 13.15.020 Cross-connections regulated.
- 13.15.030 Back flow prevention device requirement.
- 13.15.040 Back flow prevention device installation requirements.
- 13.15.050 Annual testing and repairs.
- 13.15.060 Variances.
- 13.15.070 Cost of compliance.
- 13.15.080 Termination of service.
- 13.15.090 Collection of unpaid expenses.

**13.15.010 Definitions.**

For the purpose of this chapter, the following words or phrases have the meaning set forth herein, unless the context indicates otherwise:

(1) "Approved back flow prevention device" means a device to counteract back pressures or to prevent back siphonage. This device must appear on the list of approved devices issued by the Washington State Department of Health.

(2) "Back flow" means the flow in the direction opposite to the normal flow or the introduction of any foreign liquids, gases or substances into the water system of the town.

(3) "Cross-connection" means any physical arrangement where a public water system is connected, directly or indirectly, with any other nondrinkable water system or auxiliary system, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, swamp coolers or any other device which contains, or may contain, contaminated water, sewage or other liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of back flow. Bypass arrangements, jumper connections, removable sections, swivel, or changeover devices or other temporary or permanent devices through which, or because of which, back flow may occur, are considered to be cross-connections. (Ord. 391 § 1, 1997).

**13.15.020 Cross-connections regulated.**

No cross-connections shall be created, installed, used or maintained within the town's water system or any public or private premises within the territory served by the town of South Cle Elum, except in accordance with these provisions. (Ord. 391 § 2, 1997).

**13.15.030 Back flow prevention device requirement.**

Approved back flow prevention devices shall be installed at the expense of the user, either at the service connection or within the premises, as determined by a certified cross-connection inspector employed by the town in each of the following circumstances:

(1) If the nature and extent of any activity on the premises, or the materials used in connection with any activity of the premises, or materials stored on the premises, could contaminate or pollute the drinking water supply;

(2) On premises having any one or more cross-connections as that term is defined;

(3) Internal cross-connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross-connections exist;

(4) A repeated history of cross-connections being established or reestablished;

(5) Unduly restricted entry so that inspections for cross-connections cannot be made with sufficient frequency or with sufficient notice to assure that cross-connections do not exist;

(6) Materials of a toxic or hazardous nature being used such that, if back siphonage should occur, a health hazard could result;

(7) Any mobile apparatus which uses the town's system or water from any premises within the town;

(8) On any premises where installation of an approved back flow prevention device is deemed to be necessary to accomplish the purpose of these regulations in the judgment of a certified cross-connection specialist employed by the town;

(9) On any premises where an appropriate cross-connection report form has not been filed with the town. (Ord. 391 § 3, 1997).

**13.15.040 Back flow prevention device installation requirements.**

To ensure proper operation and accessibility of all back flow prevention devices, the following requirements shall apply to the installation of these devices:

(1) No part of the back flow prevention device shall be submerged in water or installed in a location subject to flooding. If installed in a vault or basement, adequate drainage shall be provided.

(2) Devices must be installed at the point of delivery of the water supply before any branch in the line, on property located just inside of the property line. Alternate location must be approved in writing by the town prior to installation.

(3) The device must be protected from freezing and other severe weather conditions.

(4) All back flow prevention device assemblies shall be of a type and model approved (or incorporated by reference as a standard) by the Washington State Department of Health and the town.

(5) Only devices specifically approved by the Washington State Department of Health for vertical installation may be installed vertically.

(6) The device shall be readily accessible with adequate room for maintenance and testing. Devices two inches and smaller shall have at least six inches clearance on all sides of the device. All devices larger than two inches shall have a minimum clearance of 12 inches on the back side, 24 inches on the test cock side, 12 inches below the device and 36 inches above the device.

(7) The property owner assumes all responsibility for all maintenance and annual testing the device.

(8) If written permission is granted to install the back flow prevention device inside of the building, the device shall be readily accessible during regular working hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. (Ord. 391 § 4, 1997).

**13.15.050 Annual testing and repairs.**

All back flow prevention devices installed within the area served by the town water system shall be tested immediately upon installation and annually thereafter by a state certified tester. Results of all testing shall be supplied in writing to the town. All such devices found not functioning properly shall be promptly repaired or replaced by the water user. If any such device is not promptly repaired or replaced, the town may deny or discontinue water to the premises. All testing, inspection and repairs are the financial responsibility of the water user. (Ord. 391 § 5, 1997).

**13.15.060 Variances.**

Any variance from these requirements must be requested in writing and approved in writing by the town prior to the installation of any such device or variance from the requirements set forth herein. (Ord. 391 § 6, 1997).

**13.15.070 Cost of compliance.**

All costs associated with purchase, installation, inspections, testing, replacements, maintenance, parts and repairs of the back flow prevention device are the financial responsibility of the water user. (Ord. 391 § 7, 1997).

**13.15.080 Termination of service.**

Failure on the part of any customer to discontinue the use of all cross-connections and to physically separate cross-connections is sufficient cause for the immediate discontinuance of public water service to the premises. (Ord. 391 § 8, 1997).

**13.15.090 Collection of unpaid expenses.**

Unpaid expenses shall be collected by the town clerk-treasurer in the same manner as on unpaid utility bills, waiving the imposition and foreclosure of liens for nonpayment. (Ord. 391 § 9, 1997).



**Chapter 13.20****WATER SUPPLY**

## Sections:

- 13.20.010 Watershed limits defined.
- 13.20.020 Water supply system defined.
- 13.20.030 Trespass prohibited.
- 13.20.040 Pollution prohibited, and declared to be a nuisance.
- 13.20.050 Penalties.

**13.20.010 Watershed limits defined.**

The watershed of the town of South Cle Elum is hereby defined in limits to include the following:

Those parts of the East Half (E 1/2) of the East Half (E 1/2) of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4), the West Half (W 1/2) of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4), and the West Half (W 1/2) of the East Half (E 1/2) of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4), all in Section Five (5), Township Nineteen (19) North, Range Fifteen (15) East of the Willamette Meridian, in Kittitas County, State of Washington, lying northerly of the northerly right of way line of the main canal of the Kittitas Irrigation District, Yakima Reclamation Project.

(Ord. 168 § 1, 1958).

**13.20.020 Water supply system defined.**

The water supply system of the town of South Cle Elum is hereby defined in limits to include the following: The watershed of said town; also, the water tank and chlorinator house and the land surrounding the same, consisting of a circular parcel of land, 100 feet in diameter, whose center is located as follows:

Starting at the center of Section Thirty four (34), Township Twenty (20) North, Range Fifteen (15) E.W.M., in Kittitas County, Washington; thence south

along the North-South 1/4th line of said Section 34 a distance of 330 feet to the south corporate limits of the Town of South Cle Elum, Washington; thence south 89°55' east along said south corporate line a distance of 639.01 feet; thence north, and parallel to the afore-said North-South 1/4th line, a distance of 189.17 feet to a point which is the center of the said circular parcel of land, whose diameter is 100 feet. Also, the water supply pipeline running from the said watershed to said water tank, thence to the south corporate limits of the town of South Cle Elum.

(Ord. 168 § 2, 1958).

**13.20.030 Trespass prohibited.**

No person except a duly authorized officer, councilman or employee of the town of South Cle Elum shall enter in or upon the watershed and water supply system of the town, as herein defined, nor meddle, tamper with or change any part or parts of the water supply collection system, water supply line, chlorination system or water tank of the town, and any such meddling, tampering or changing is hereby declared to be a misdemeanor. (Ord. 168 § 3, 1958).

**13.20.040 Pollution prohibited, and declared to be a nuisance.**

The water collected in the water system of the town of South Cle Elum is to be used for drinking purposes, as well as other purposes. No person shall deposit or suffer to be deposited in or near any of the waters in the watershed or water supply system of the town, or in or on the watershed or water supply system as hereinabove defined, any matter or thing dangerous or deleterious to health, or any matter or thing which may or could corrupt, pollute, or impair the quality of the water or water system; and any such action, or the conduct of any business or occupation, or the allowing of any condition in or upon or sufficiently near the watershed or water supply system of the town, so that such water would be or could be polluted or rendered impure, is prohibited and

declared to be unlawful, and is declared to constitute a nuisance, and may be abated. (Ord. 168 § 4, 1958).

**13.20.050 Penalties.**

Any person convicted of violating this chapter may be fined in any sum not exceeding \$100.00 or imprisoned for not to exceed 30 days, or both so fined and imprisoned, for each violation hereof. (Ord. 168 § 5, 1958).

**Chapter 13.25**

**ELECTRICITY**

Sections:

- 13.25.010 Deposit required.
- 13.25.020 Connection charge.
- 13.25.030 Return of deposit.
- 13.25.040 Deposit refund – Notice.

**13.25.010 Deposit required.**

Every person purchasing electric power from the town of South Cle Elum shall be required to deposit \$10.00 as a guarantee before his meter shall be connected. (Ord. 131 § 1, 1953).

**13.25.020 Connection charge.**

The light clerk shall collect said \$10.00 plus a connection charge of \$1.00 before connecting any meter. (Ord. 131 § 2, 1953).

**13.25.030 Return of deposit.**

The deposit or that part of it required to cover any money due the town shall be retained when the service is discontinued. The user will be repaid the \$10.00 if his electric bill is paid in full. The \$1.00 connection fee will not be returned. (Ord. 131 § 3, 1953).

**13.25.040 Deposit refund – Notice.**

The refund of the deposit, or that part of it which is due, will be made by the clerk-treasurer upon proper notice by the light clerk. (Ord. 131 § 4, 1953).

**Chapter 13.30****TELECOMMUNICATIONS, CABLE,  
RIGHT-OF-WAY PERMITS**

## Sections:

- 13.30.010 Definitions.
- 13.30.020 Objectives.
- 13.30.030 Permission required – General permit, use permit.
- 13.30.040 Master permit application – Contents.
- 13.30.050 Permit procedures.
- 13.30.060 Use permit, expedited consideration.
- 13.30.070 Use permit, advance notice, restrictions on denials.
- 13.30.080 Conditions of occupancy or use of the right-of-way.
- 13.30.090 Exemption, preemption.
- 13.30.100 State law provisions.
- 13.30.110 Restriction on moratoria.
- 13.30.120 Relocation.
- 13.30.130 Facilities for town use.
- 13.30.140 Fees and charges.
- 13.30.150 Authority of administering officer.
- 13.30.160 Appeals.
- 13.30.170 Users, occupants other than service providers.

**13.30.010 Definitions.**

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

(1) “Town” means the town of South Cle Elum and its legal successors.

(2) “Administering officer” means the mayor or mayor’s designee [cross reference – SCEMC 13.30.150].

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

(4) “Facilities” of a service provider means all of the plant, equipment, fixtures, appurtenances, antennas, and other facilities necessary to furnish and deliver telecommunications services and cable television services, including

but not limited to poles with crossarms, poles without crossarms, wires, lines, conduits, cables, communication and signal lines and equipment, braces, anchors, vaults, and all attachments, appurtenances, and appliances necessary or incidental to the distribution and use of telecommunications services and cable television services.

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

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

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

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

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

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

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

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

(10) “Telecommunications service” means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means for hire, sale, or resale to the general public. For the purpose of this subsection, “information” means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. For the purpose of this chapter, telecommunications service excludes the over-the-air transmission of broadcast television or broadcast radio signals [cross reference – Ch. 83, Laws of 2000, Section 1 (part)]. (Ord. 430 § 1, 2001).

### **13.30.020 Objectives.**

(1) The objectives of this chapter are:

- (a) To protect the general public health and safety;

(b) To preserve and maintain the primary purpose of the right-of-way as a means of public travel and emergency vehicle access;

(c) To respond to requirements established by federal or state laws, particularly as relating to service providers and reflected in Chapter 83, Laws of 2000 State Legislature;

(d) To preserve the value of the public investment in the right-of-way and useful life of street, curbing, and sidewalk paving, and maintain the integrity and quality of the paving;

(e) To preserve the value of the right-of-way to support municipal infrastructure needs as a priority use, and the value of municipal infrastructure investment; and

(f) To promote the public convenience and aesthetics.

(2) The first two objectives are of primary importance. The objectives govern questions of interpretation and enforcement. Notwithstanding any other provision, nothing done relating to this chapter is intended to create or expand any specific municipal duty or liability to any particular person or group or otherwise create or expand municipal tort liability for any purpose. This section shall control all others in the event of conflict or ambiguity. (Ord. 430 § 1, 2001).

### **13.30.030 Permission required – General permit, use permit.**

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

(2) Parties installing secondary facilities in or on existing facilities must accept all town conditions on the existing as well as secondary facilities. Providers of cable television services for hire need not obtain a master permit to provide such service where a cable franchise has been granted under federal or other law [cross reference – Ch. 83, Laws of 2000, Section 3(1) (part)].

(3) The approving authority for a master permit is the town council by ordinance, except master permits five years or less in duration or for limited areas may be granted by council resolution on recommendation of the administering officer. In addition, the administering officer may grant a temporary master permit, up to 90 days, renewable once for up to an additional 90 days. The administering officer may grant revocable permission for incidental or temporary uses of the right-of-way not involving permanent installations or for other minor purposes, but the provisions in SCEMC 13.30.080 apply, except insurance requirements may be adjusted on recommendation of the town risk management advisor.

(4) In addition to a master permit, a service provider must obtain permission to enter and use a specified right-of-way area to install, maintain, repair or remove identified facilities by means of a use permit. Utilities or agencies of the town of South Cle Elum are exempt from master permit or use permit requirements, but the administering officer may specify conditions of right-of-way use or occupancy, including the condition that town departments coordinate work in the right-of-way by giving appropriate notice to the municipal office issuing use permits. (Ord. 430 § 1, 2001).

#### **13.30.040 Master permit application – Contents.**

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

(a) Applicant's true name, address, telephone, fax, and e-mail, together with an identification of the true ownership of the applicant, including the names and addresses of all persons with 10 percent or more ownership interest therein. For a corporation or other business organization, the state of incorporation or organization, the name and address of the corporation or organization's registered agent, and a certificate of incorporation or other proof of legal status should be included;

(b) A statement of whether the applicant, or any entity controlling the applicant, has voluntarily filed for relief under any provision of the bankruptcy laws of the United States, Title 11 of the United States Code; had an involuntary petition against it pursuant to the Bankruptcy Code; or been the subject of any state law insolvency proceeding such as a transfer for the benefit of creditors;

(c) A statement of whether the applicant or any entity controlling the applicant has had a master permit, franchise, or similar right-of-way use or occupancy permission ever suspended or revoked in any other jurisdiction;

(d) A statement of whether the applicant or any entity controlling the applicant has been found guilty, by any federal, state or municipal court or administrative agency in the United States of:

(i) A violation of a security, antitrust or tax laws; or

(ii) A felony or any other crime involving fraud or theft. If so, the application shall identify any such person and fully explain the circumstances;

(e) A demonstration of the applicant's technical, legal and financial ability to construct and operate the proposed telecommunications services facility;

(f) A description of the physical facility proposed, including capacity, the area to be served, a description of technical characteristics, and a map of the proposed system service area and distribution scheme;

(g) A description of how any construction will be implemented, identification of areas having above ground or below ground facilities, the proposed construction schedule, and a description (if applicable) of how service will be converted from any existing facility to a new facility. The construction plan shall be coordinated with the town water, sewer, street, and other improvement plans and municipal infrastructure needs;

(h) A description of the services to be provided over the system;

(i) The proposed rates to be charged, including rates for each service offered to the public, as appropriate, and charges for installation, equipment, and other services, and

whether such rates are subject to regulatory tariff or other rate regulation requirements from any other jurisdictional agency;

(j) A demonstration and assurance that the proposal is designed to be consistent with all federal and state requirements;

(k) In the case of an application by an existing service provider for a renewal, a demonstration and assurance that said service provider has complied with all terms of the existing master permit or franchise and with applicable law;

(l) Other information that the administering officer may reasonably request of the applicant;

(m) The signature, under penalty of perjury, by the applicant or duly authorized agent thereof, certifying, in a form acceptable to the town, the truth and accuracy of the information contained in the application and acknowledging the enforceability of this chapter; and

(n) Payment of a \$2,000 application fee.

(2) Requests for confidentiality will be narrowly construed within the confines of state law. (Ord. 430 § 1, 2001).

### **13.30.050 Permit procedures.**

#### **(1) Master Permits.**

(a) Upon receipt of an application and application fee, the administering officer shall notify the applicant of any additional administrative costs, fees or expenses reasonably expected to be incurred as a result of processing the application, including costs of publication as may be required by state or local law. An applicant must deposit such estimated costs within 10 days of notification as a condition of further consideration of an application. Any unexpended monies after the application process shall be refunded within 30 days of completion of the application process. Additional costs billed by the administering officer shall be paid within 30 days of billing. If an applicant fails to file a completed application, furnish other requested information, or pay required amounts, the administering officer shall cancel the application process, and no refund of the application fee will be made.

(b) Within 90 days of the filing of a complete application, the administering officer

shall negotiate a master permit with the applicant or make the determination that it should be denied. If the parties cannot agree on the terms of the master permit or the administering officer determines it should otherwise be denied, said official shall create a written record, supported by substantial evidence, to explain the reasons why the master permit is recommended for denial. If the administering officer approves the application, the master permit shall be forwarded for final approval by the town council. The town council shall take final action on the recommendation of the administering officer within 120 days of the date the applicant filed a complete application.

(c) The administering officer may require the service provider to attend and participate in any hearing or other fact finding process to determine whether to grant the permit; provided, that extensions of time for the hearing and final action by the town beyond 120 days of the date the applicant filed a complete application may require the applicant's consent unless legislative approval of the town council cannot reasonably be obtained within such period. In such event, the administering officer shall notify the applicant of the time needed to obtain final action.

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

(e) A service provider adversely affected by a final action denying a master permit, or by an unreasonable failure to act on a master permit application in accordance with this section, may commence an action within 30 days to seek relief in a court of competent jurisdiction, which shall be limited to injunctive relief. Venue of such a proceeding shall be in Kittitas County. Upon timely appeal, the administering officer shall certify the record and deliver the same to the court where filed. Said official may require a deposit of funds by the appealing party in an amount estimated necessary to prepare the record as a condition of certifying the record [cross reference – Ch. 83, Laws of 2000, Section 3(1)(b) (part)].

(2) Use Permits.

(a) The town must act upon a request for a use permit made within the scope of this chapter within 30 days of receipt of a completed application and a \$100.00 application fee by the official designated to issue such permits, unless a service provider consents to a different time period or the service provider has not obtained a master permit or franchise from the town. A use permit may not be denied to a service provider with an existing statewide grant to occupy the right-of-way for wireline facilities on the basis of failure to obtain a master permit.

(b) When applying for a use permit, the applicant shall provide, in its application, the following:

(i) A demonstration of the applicant's technical, legal and financial ability to construct and operate the proposed telecommunications services facility;

(ii) A description of the physical facility proposed, including capacity, the area to be served, a description of technical characteristics, and a map of the proposed system service area and distribution scheme;

(iii) A description of how any construction will be implemented, identification of areas having above ground or below ground facilities, the proposed construction schedule, and a description (if applicable) of how service will be converted from any existing facility to a new facility. The construction plan shall be coordinated with the town water, sewer, street, and other improvement plans and municipal infrastructure needs;

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

(d) A service provider adversely affected by a final action denying a use permit may commence an action within 30 days in a court of competent jurisdiction to seek relief, which shall be limited to injunctive relief. In any appeal of the final action denying a use

permit, the standard for review and burden of proof shall be as set forth in RCW 36.70C.130.

(3) In addition to any other applicable reasons, a master or use permit for placement of facilities of personal wireless services may further be denied consistent with the provisions of RCW 35.21.860(1)(e) [cross reference – Ch. 83, Laws of 2000, Section 8]. (Ord. 430 § 1, 2001).

**13.30.060 Use permit, expedited consideration.**

Where a service provider does not have a master permit containing procedures to expedite use permit approvals and the service provider requires action in fewer than 30 days, the service provider shall advise the administering officer in writing of the reasons why a shortened time period is necessary and the time period within which action by the town is requested. The town shall reasonably cooperate to meet the request where practicable [cross reference – Ch. 83, Laws of 2000, Section 3(2)(c)]. (Ord. 430 § 1, 2001).

**13.30.070 Use permit, advance notice, restrictions on denials.**

(1) In order to facilitate the scheduling and coordination of work in the right-of-way, the administering officer shall provide as much advance notice, as is reasonable, of plans to open the right-of-way to those service providers who are current users of the right-of-way or who have filed notice with the town clerk within the past 12 months of their intent to place facilities in the town. This obligation may be satisfied by listing such projects in the Upper Kittitas County Tribune, which is the newspaper of general circulation in Upper Kittitas County, or any other reasonable means as ordered by the administering officer, including posting notice at Town Hall.

(2) Service providers are responsible for subscribing to the Upper Kittitas County Tribune at their expense and are further responsible for contacting Town Hall for notices relating to this chapter. Service providers are further responsible to maintain on file with the administering officer, the name of a current

contact person and that individual's address, telephone number, fax number and e-mail address.

(3) The town is not liable for damages for failure to provide notice under this section. Where the town has failed to provide notice of plans to open the right-of-way to a service provider consistent with this section, a use permit to such service provider may not be denied on the basis that the service provider failed to coordinate with another project [cross reference – Ch. 83, Laws of 2000, Section 3(5)]. (Ord. 430 § 1, 2001).

### **13.30.080 Conditions of occupancy or use of the right-of-way.**

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

(1) Service providers must comply with all applicable federal, state, and local laws and ordinances relating to operations in the town of South Cle Elum, including safety laws and standards, as well as policies and standards of the town, construction codes, regulations, and orders of the administering officer, compliance therewith being subject to audit or verification by the town at the parties' expense.

(2) Service providers must obtain all permits required by the town for the installation, maintenance, repair, or removal of facilities in the right-of-way and pay all permit and filing fees, costs, charges and penalties within 30 days of billing or as otherwise specified by the administering officer.

(3) Compliance with the policies of this chapter.

(4) Service providers must cooperate with the town in ensuring that facilities are installed, maintained, repaired, and removed within the right-of-way in such a manner and

at such points so as not to inconvenience the public use of the right-of-way or to adversely affect the public health, safety, and welfare.

(5) Service providers must provide information and plans as reasonably necessary to enable the town to comply with and enforce this chapter, including, when notified by the town directly, through the Upper Kittitas County Tribune or any other means, the provision of advance planning information pursuant to the procedures established by the administering officer, and keep the administering officer fully informed of any changes to information required to be supplied with any master permit or franchise or any use permit.

(6) Service providers must provide advance notice of long and short range needs for access to the right-of-way as may be ordered by the administering officer, and otherwise, as much advance notice as reasonable in order to facilitate the scheduling and coordination of work in the right-of-way.

(7) Service providers must obtain the written approval of the facility or structure owner, if the service provider does not own it, prior to attaching to or otherwise using a facility or structure in the right-of-way, and construct, install, operate, and maintain their facilities at their sole expense and liability except as otherwise provided by law or agreement.

(8) Execution of an indemnification agreement providing that the town must not be exposed to risks, claims, or costs because of a service provider, its successor, assignee or other's use or occupancy of the right-of-way or related areas for the location or use of facilities. Such agreement must provide that the service providers fully indemnify and hold the town, its officers, agents and employees, harmless from all loss or liability in connection with their use or occupancy of such areas. Operations in or near the right-of-way should be conducted to minimize or avoid hazard to the public or to prevent interference with the priority of municipal infrastructure needs. Said parties must further pay for loss or damage to municipal assets or injury to municipal personnel, and waive any second party claims from the user or occupant. If the town nonetheless is exposed to risk or loss, the service provider,



successor, assignee or other will protect and defend the town to the maximum extent permitted by law. Minimum insurance requirements are \$500,000 per occurrence and \$1,000,000 aggregate, with the town of South Cle Elum as an additional named insured, or as ordered by the administering officer.

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

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

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

(12) Nothing in this chapter limits or restricts any requirement, duty or obligation heretofore arising to the benefit of the town as a result of any municipal contract, permit, or franchise, but such provisions are supplemen-

tal and in addition to this chapter. The provisions of this chapter are supplemental and in addition to other applicable municipal ordinances, standards, and requirements. Nothing in this chapter impairs any obligation of contract in violation of the constitution of the state of Washington or the United States.

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

(14) Access may be limited by the administering officer at a specific location, considering the policies of this chapter, where there is inadequate space or other special limitations in an area. Minimum underground vertical separation is two feet and minimum underground horizontal separation is five feet from town water and sewer facilities and 10 feet horizontal and vertical separation from above ground town water and sewer facilities.

(15) Any assignment of use or occupancy privileges requires consent of the town in the same manner as right of use or occupancy originally granted, excepting minor stock transfers [cross references – Ch. 83, Laws of 2000, Sections 3(6) (part) and Section 9]. (Ord. 430 § 1, 2001).

### **13.30.090 Exemption, preemption.**

Any service provider or other party asserting a claim for preemption or exemption from a requirement of this chapter, permit, franchise, or order shall first present the same to the administering officer, with any supporting factual and/or legal arguments. The administering officer shall render a decision thereon within 30 days of receipt of written assertion of

preemption or exemption. Said decision shall be made in consultation with the town's legal staff, and appealable to the full council for review de novo. The intent of this provision is to provide a quick and efficient means of understanding and resolving problems arising with respect to any permit or use or occupancy of the right-of-way, consistent with the objectives of this chapter and other applicable laws. (Ord. 430 § 1, 2001).

### **13.30.100 State law provisions.**

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

(a) Impose requirements that regulate the services or business operations of the service provider, except where otherwise authorized in state or federal law;

(b) Conflict with federal or state laws, rules, or regulations that specifically apply to the design, construction, and operation of facilities or with federal or state worker safety or public safety laws, rules, or regulations;

(c) Regulate the services provided based upon the content or kind of signals that are carried or are capable of being carried over the facilities, except where otherwise authorized in state or federal law; or

(d) Unreasonably deny the use of the right-of-way by a service provider for installing, maintaining, repairing, or removing facilities for telecommunications services or cable television services.

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

(a) Prohibit the placement of all wireless or of all wireline facilities within the town;

(b) Prohibit the placement of all wireless or of all wireline facilities within town rights-of-way; or

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

(3) This section does not amend, limit, repeal, or otherwise modify the authority of the town to regulate cable television services pursuant to federal law [cross reference – Ch. 83, Laws of 2000, Section 4]. (Ord. 430 § 1, 2001).

### **13.30.110 Restriction on moratoria.**

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

(2) Should such a moratorium be implemented, the administering officer shall, on receipt of a written request of a service provider impacted by the moratorium, participate with the service provider in the informal dispute resolution process included with the guidelines for facilities siting implementation. Any costs of municipal participation shall be payable to the town in advance by the service provider [cross reference – Ch. 83, Laws of 2000, Section 5; SCEMC 13.30.080(14)]. (Ord. 430 § 1, 2001).

### **13.30.120 Relocation.**

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

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

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

(4) Service providers shall complete the relocation by the date specified, unless the administering officer, or a reviewing court, establishes a later date for completion, after a showing by the service provider that the relocation cannot be completed by the date specified using best efforts and meeting safety and service requirements.

(5) Service providers may not seek reimbursement for their relocation expenses from the town requesting relocation under subsection (1) of this section except:

(a) Where the service provider had paid for the relocation cost of the same facilities at the request of the town within the past five years, the service provider's share of the cost of relocation will be paid by the town when it is requesting the relocation;

(b) Where aerial to underground relocation of authorized facilities is required by the town under subsection (1) of this section, for service providers with an ownership share of the aerial supporting structures, the additional incremental cost of underground compared to aerial relocation, or as provided for in the

approved tariff if less, will be paid by the town requiring relocation; and

(c) Where the town requests relocation under subsection (1) of this section solely for aesthetic purposes, unless otherwise agreed to by the parties.

(6) Where a project in subsection (1) of this section is determined by the administering officer to be primarily for private benefit, the private party or parties shall reimburse the cost of relocation in the same proportion to their contribution to the costs of the project. Service providers will not be precluded from recovering their costs associated with relocation required under subsection (1) of this section, provided that the recovery is consistent with subsection (3) of this section and other applicable laws.

(7) The administering officer may require the relocation of facilities at the service provider's expense in the event of an unforeseen emergency that creates an immediate threat to the public safety, health, or welfare [cross reference – Ch. 83, Laws of 2000, Section 6]. (Ord. 430 § 1, 2001).

### **13.30.130 Facilities for town use.**

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

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

and any change in use, of the requested duct or conduit and related access structures to determine the applicable rate to be paid by the town.

(2) Except as otherwise agreed by the service provider and the town, the town agrees that the requested additional duct or conduit space and related access structures will not be used by the town to provide telecommunications or cable television service for hire, sale, or resale to the general public.

(3) The town shall not require that the additional duct or conduit space be connected to the access structures and vaults of the service provider.

(4) The value of the additional duct or conduit requested by the town shall not be considered a public works construction contract.

(5) This section shall not affect the provision of an institutional network by a cable television provider under federal law [cross reference – Ch. 83, Laws of 2000, Section 7]. (Ord. 430 § 1, 2001).

#### **13.30.140 Fees and charges.**

RCW 35.21.860 addresses limitations on the town's power to impose franchise or other fees on some service providers and other entities specified, including site-specific charges pursuant to agreements with a service provider of personal wireless services as provided therein, which state law is expressly incorporated herein [cross reference – Ch. 83, Laws of 2000, Section 8]. (Ord. 430 § 1, 2001).

#### **13.30.150 Authority of administering officer.**

(1) The administering officer interprets and enforces this chapter, and has authority to issue specific orders in specific cases or circumstances as may be deemed necessary. In such event, reasonable effort shall be made to notify affected parties. Specific orders may be issued on application of an affected service provider or providers.

(2) Orders and decisions of the administering officer are guided by the intent of this chapter. Prior to issuance of an order, the administering officer may give such advance notice and opportunity for hearing as deemed proper, or may provide for a hearing upon

request to review an order or specific application of a party arising after issuance. The officer may establish a filing fee not to exceed \$50.00 for consideration of any petition for action or determination by a regulated party or other person.

(3) An administrative order may include provision for penalty of not more than \$500.00 dollars per violation. In case of a continuing violation, each day may be specified to be an additional and separate violation. No penalty for failure to comply with any administrative order may be assessed except after notice and opportunity for hearing for the affected party. Failure to pay a penalty is a breach of permit conditions and grounds for permit revocation by the administering officer after notice and opportunity for hearing for the permittee. (Ord. 430 § 1, 2001).

#### **13.30.160 Appeals.**

(1) Any party aggrieved by an order or decision of the administering officer relating to this chapter may appeal the same by filing notice of appeal with the town council within 30 days of the date of mailing or transmittal to said party of such order or decision appealed from. Included with the notice of appeal must be a statement of reasons for the appeal and copies of any pertinent documents or information and proof of delivery in such time limit of such submittal to the administrative officer and town attorney. A filing fee of \$100.00 must also be paid to the town clerk at the time of filing.

(2) Upon receipt of a notice of appeal, where any penalty or charge is concerned, the administrative officer shall determine the amount of any accrued penalty or charge and notify the appealing party of such determination. The appealing party must post with the town clerk a bond, cash deposit or other suitable form of security as ordered by the administrative officer within 10 days of notification as a condition of further prosecuting any appeal. If the appeal is sustained, the security shall be returned. If the appeal is denied, the security shall be applied to any accrued penalty or charge. No appeal shall stay the accrual of any continuing penalty except upon a show-

ing the appeal has substantial merit and was taken in good faith, and not for purposes of delay.

(3) The town council shall conduct a hearing on the appeal within 30 days of filing of the notice of appeal, and enter written findings, conclusions and decision thereafter within 30 days of the hearing. The town council's decision is final, subject to appeal in a court of competent jurisdiction by either party with a notice of appeal filed and served within 30 days. If a town official is the responding party, a copy shall also be served on the town attorney within such time limit.

(4) An order or decision of the administering officer shall be sustained by the town council or a reviewing court unless found to be arbitrary and capricious. Upon timely appeal to a reviewing court, the town clerk shall certify the record and deliver the same to the court where filed. The town clerk may require a deposit of funds by the appealing party in an amount estimated necessary to prepare the record as a condition of certifying the record. (Ord. 430 § 1, 2001).

#### **13.30.170 Users, occupants other than service providers.**

Chapter 35.99 RCW does not apply to parties other than service providers. Except where stated, the provisions of this chapter do not apply to parties other than service providers. Such other parties must, however, obtain a franchise or similar permission to enter and use the right-of-way to place facilities as may be negotiated by the administering officer, consistent with SCEMC 13.30.020 and 13.30.080. (Ord. 430 § 1, 2001).

**Title 14**  
**(Reserved)**

## **Title 15**

### **BUILDINGS AND CONSTRUCTION**

#### **Chapters:**

- 15.05 Building Codes**
- 15.10 Flood Damage Prevention**
- 15.15 Factory-Built Housing**
- 15.20 Permits**
- 15.25 Grading, Excavation and Land Filling**

**Chapter 15.05****BUILDING CODES**

Sections:

15.05.010 Adoption by reference.

15.05.020 General requirements.

**15.05.010 Adoption by reference.**

South Cle Elum hereby adopts the following codes, as amended by the Washington State Building Code Council pursuant to Chapter 19.27 RCW for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures:

(1) The International Building Code (IBC), 2015 Edition, published by the International Code Council as adopted and amended by the state of Washington in Chapter 51-50 WAC; with the following adopted appendices and amendments:

(a) Appendices.

(i) Appendix C: Agricultural Buildings.

(b) Amendments.

(i) Section 105.2, Work Exempt from Building Permit.

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet and is not used as habitable space and does not contain plumbing or mechanical. All accessory structures must meet all zoning and building setbacks, and must comply with the requirements of SCEMC Title 16.10 (Critical Areas) and Chapter 15.10 SCEMC (Flood Damage Prevention).

2. Other exemptions as specified in Section 105.2.

(ii) Section 105.3.2, Expiration of Application.

1. If, after a plan review has been initiated, an application for building permit requires corrections, a letter will be sent notifying the applicant of those items necessary to complete the review of the application and that the application will expire 180 days from the date of notification if the corrections are not submitted or are not adequate to resolve the corrections items listed. The building official is authorized to grant one extension, not to exceed 365 days. The extension shall be requested in writing, prior to permit application expiration, and justifiable cause shall be demonstrated. If expired, the application becomes null and void and the deposit is forfeited.

2. After a plan review has been completed, a letter will be sent notifying the applicant that the permit is ready for issuance and that if not purchased 180 days from the date of notification, the application will expire. The building official is authorized to grant one extension, not to exceed 365 days. The extension shall be requested in writing, prior to permit expiration, and justifiable cause shall be demonstrated. If expired, the application becomes null and void and the deposit is forfeited. If a completed application expires and the deposit is less than the plan review fee, the applicant is responsible for any outstanding balance and an invoice will be sent to the property owner of record.

(2) The International Residential Code (IRC), 2015 Edition, published by the International Code Council as adopted and amended by the state of Washington in Chapter 51-51 WAC; with the following adopted amendments:

(a) Amendments.

(i) Section R105.2, Work Exempt from Building Permit.



1. One-story detached accessory structures, provided the floor area does not exceed 200 square feet, is not used for habitable space and does not contain plumbing or mechanical. All accessory structures must meet all zoning and building setbacks and must comply with the requirements of SCEMC Title 16.10 (Critical Areas) and Chapter 15.10 SCEMC (Flood Damage Prevention).

2. Platforms, sidewalks and driveways not more than 30 inches above adjacent grade and not over any basement or story below.

3. Other exemptions as specified in Section 105.2.

(ii) Section R105.3.2, Expiration of Application.

1. If, after a plan review has been initiated, an application for building permit requires corrections, a letter will be sent notifying the applicant of those items necessary to complete the review of the application and that the application will expire 180 days from the date of notification if the corrections are not submitted or are not adequate to resolve the corrections items listed. The building official is authorized to grant one extension, not to exceed 365 days. The extension shall be requested in writing, prior to permit application expiration, and justifiable cause shall be demonstrated. If expired, the application becomes null and void and the deposit is forfeited.

2. After a plan review has been completed, a letter will be sent notifying the applicant that the permit is ready for issuance and that if not purchased 180 days from the date of notification, the application will expire. The building official is authorized to grant one extension, not to exceed 365 days. The extension shall be requested in writing, prior to permit expiration, and justifi-

able cause shall be demonstrated. If expired, the application becomes null and void and the deposit is forfeited. If a completed application expires and the deposit is less than the plan review fee, the applicant is responsible for any outstanding balance and an invoice will be sent.

(3) The International Mechanical Code (IMC), 2015 Edition, published by the International Code Council as adopted and amended by the state of Washington in Chapter 51-52 WAC; including the adoption of and amendments to the 2015 International Fuel Gas Code (IFGC), the 2015 National Fuel Gas Code (NFPA 54) and the 2015 Liquefied Petroleum Gas Code (NFPA 58).

(4) The International Fire Code (IFC), 2015 Edition, published by the International Code Council as adopted and amended by the state of Washington in Chapter 51-54A WAC; including those standards of the National Fire Protection Association specifically referenced in the International Fire Code; provided, that, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles. The following appendices and amendments are specifically adopted:

(a) Appendices.

(i) Appendix B: Fire Flow for Buildings.

(ii) Appendix C: Fire Hydrant Locations and Distribution.

(iii) Appendix D: Fire Apparatus Access Roads.

(iv) Appendix E: Hazard Categories.

(v) Appendix F: Hazard Ranking.

(vi) Appendix G: Cryogenic Fluids – Weight and Volume Equivalents.

In case of conflict among the codes enumerated in subsections (4)(a)(i), (ii), (iii) and (iv) of this section, the first named code shall govern over those following.

(b) Amendments.

(i) Chapter 45: Referenced Standards.

(A) NFPA standard reference numbers as follows:

1. NFPA 13-16: "Installation of Sprinkler Systems" to replace prior edition NFPA 13-07.

2. NFPA 13D-16: "Installation of Sprinkler Systems in One and Two-Family Dwellings and Manufactured Homes" to replace prior edition NFPA 13D-07.

3. NFPA 13R-16: "Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height" to replace prior edition NFPA 13R-07.

4. NFPA 72-16: "National Fire Alarm Code" to replace prior edition NFPA 72-07.

(ii) Appendix B: Fire Flow for Buildings, to be amended as follows:

1. Agricultural buildings used for the sole purpose of agricultural processing may be exempt from fire flow requirements if the following conditions are met:

1. A monitored early detection system in compliance with current codes is installed and maintained;
2. The separation from other buildings and combustible materials, including hay piles, by a minimum of 60 feet shall be continuously maintained;
3. Building size shall be limited to SEPA threshold requirements;
4. Occupancy shall be limited to a maximum of five persons; and
5. Compliance with all applicable codes.

(5) The Uniform Plumbing Code (UPC), 2015 Edition, published by the International Association of Plumbing and Mechanical Officials, as adopted and amended by the state of Washington in Chapters 51-56 and 51-57 WAC.

(6) The Washington State Energy Code, 2015 Edition, as set forth in Chapters 51-11 and 51-11C WAC (Commercial) and Chapter 51-11R (Residential).

(7) The International Property Maintenance Code (IPMC), 2015 Edition, as published by the International Code Council.

(8) The International Swimming Pool and Spa Code (ISPSC), 2015 Edition, as published by the International Code Council. (Ord. 591 § 1 (Att. A), 2019; Ord. 351 § 1, 1991).

#### **15.05.020 General requirements.**

(1) Conflict between Codes. Whenever there is a conflict between a referenced code in SCEMC 15.05.010 and the general requirements contained in this section, the general requirements shall apply.

(2) Table R301.2(1), Climatic and Geographic Design Criteria, of the International Residential Code, is amended as follows:

**Table R301.2(1)**

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA													
GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY <sup>f</sup>	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP <sup>e</sup>	ICE BARRIER UNDERLAY MENT REQUIRED <sup>h</sup>	FLOOD HAZARDS <sup>g</sup>	AIR FREEZIN G INDEX <sup>i</sup>	MEAN ANNUAL TEMP <sup>i</sup>
	Speed <sup>d</sup> (mph)	Topographi c efforts <sup>k</sup>	Special Wind Region <sup>l</sup>	Wind- borne debris zone <sup>m</sup>		Weather -ing <sup>a</sup>	Frost Line Depth <sup>b</sup>	Termite <sup>c</sup>					
130 psf	110	No	No	No	D	Severe	24"	Slight to Moderate	2° F	Yes	Current FIRM Maps Adopted 5/5/1981	1,000 – 2,000	50° F

1. All snow loads are site specific and shall be determined by the building official.

2. The seismic design category will be determined on a site-specific basis.

For SI: 1 pound per square foot = 0.0479 kPa; 1 mile per hour = 0.447 m/s.

a) Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index, "negligible," "moderate" or "severe" for concrete as determined from Figure R301.2(3). The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.

b) The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.

c) The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.

d) The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.

e) The outdoor design dry-bulb temperature shall be selected from the columns of 97 1/2 percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.

f) The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.

g) The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of the currently effective FIRMs and FBFMs or other flood hazard map adopted by the authority having jurisdiction, as amended.

h) In accordance with Sections R905.1.2, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."

i) The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99 percent) value on the National Climatic Data Center data table "Air Freezing Index – USA Method (Base 32°F)."

- j) The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index – USA Method (Base 32°F)."
- k) In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- l) In accordance with Figure R301.2(4)A, where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with "YES" and identify any specific requirements. Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- m) In accordance with Section R301.2.1.2.1, the jurisdiction shall indicate the wind-borne debris wind zone(s). Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

(3) Professional Preparation of Plans. South Cle Elum shall require a Washington State licensed design professional, licensed under the provisions of Chapter 18.08 RCW, Chapter 308-12 WAC (for architects) or Chapter 18.43 RCW (for engineers), to stamp, prepare or oversee the preparation of plans and calculations for buildings or structures when any of the following criteria are met, but are not limited to the following:

(a) A building of any occupancy over 4,000 square feet.

Exception: residential buildings that do not contain more than four dwelling units; farm buildings of any size associated with commercial agriculture; buildings such as garages, sheds, barn or shelters for animals and machinery that are used in connection with or auxiliary to farm buildings, or in connection with or accessory to residential buildings of four dwelling units or less.

(b) Buildings containing five or more residential dwelling units.

Exception: buildings less than 4,000 square feet.

(c) All log and timber frame structures and log and timber frame structural components. This includes any log or beam style trusses used in stick framed buildings.

(d) All structures located above 70-psf ground snow load that are regulated by the International Residential Code.

(e) All structures located above 50-psf ground snow load that are regulated by the International Building Code.

(4) Permit Application and Construction Plan Submittal. All submitted construction documents must be of sufficient detail and clarity to indicate the nature and extent of the work proposed. The amount of detail required will vary, depending on the nature and complexity of the project. Buildings and structures require site plans, floor plans, foundation plans, roof framing plans, elevations, cross sections and construction details at a minimum. Additional documentation such as truss engineering, lateral and gravity calculations, energy code information, etc., may also be required. Building permit applications and drawings deemed incomplete by the town of

South Cle Elum will not be accepted. The following are minimum submittal standards for construction drawings:

(a) Plans drawn to a minimum of one-fourth inch scale on minimum page size of 11 by 17 inches.

(b) Plans must have clear and readable text.

(c) Permit application in compliance with RCW 19.27.095 and 19.27.097.

(5) Recorded Easements. The applicant shall identify all recorded easements on the construction documents submitted with the permit application. The permit application shall also include a copy of recorded easements along with the site plan as required by Section R106.2 of the IRC. All existing easements, rights-of-way, well protection zones, etc., shall be identified on the site plan and considered for the placement of buildings, septic systems, roadways, and other infrastructure. The location of all easements on the site plan shall be the responsibility of the applicant.

Without these minimum standards, an application cannot be accepted. (Ord. 591 § 1 (Att. A), 2019).

**Chapter 15.10****FLOOD DAMAGE PREVENTION**

## Sections:

- 15.10.010 Statutory authorization.
- 15.10.020 Findings of fact.
- 15.10.030 Statement of purpose.
- 15.10.040 Methods of reducing flood losses.
- 15.10.050 Definitions.
- 15.10.060 Lands to which this chapter applies.
- 15.10.070 Basis for establishing the areas of special flood hazard.
- 15.10.075 Compliance.
- 15.10.080 Penalties for noncompliance.
- 15.10.090 Abrogation and greater restrictions.
- 15.10.100 Interpretation.
- 15.10.110 Warning and disclaimer of liability.
- 15.10.115 Severability.
- 15.10.120 Establishment of development permit.
- 15.10.130 Designation of the floodplain administrator.
- 15.10.140 Duties and responsibilities of the floodplain administrator.
- 15.10.150 Variance procedure.
- 15.10.160 Provisions for flood hazard reduction.
- 15.10.170 Specific standards.
- 15.10.180 Floodways.
- 15.10.185 Standards for shallow flooding areas (AO) zones.

**15.10.010 Statutory authorization.**

The Legislature of the state of Washington has delegated responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. (Ord. 611 Exh. A, 2021; Ord. 331 § 1.1, 1987).

**15.10.020 Findings of fact.**

(1) The flood hazard areas of the town of South Cle Elum are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordi-

nary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. 611 Exh. A, 2021; Ord. 331 § 1.2, 1987).

**15.10.030 Statement of purpose.**

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money and costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- (6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To ensure that potential buyers are notified that property is in an area of special flood hazard;
- (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
- (9) To participate in and maintain eligibility for flood insurance and disaster relief. (Ord. 611 Exh. A, 2021; Ord. 331 § 1.3, 1987).

**15.10.040 Methods of reducing flood losses.**

In order to accomplish its purposes, this chapter includes methods and provisions for:

(1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;

(4) Controlling filling, grading, dredging, and other development which may increase flood damage; and

(5) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or may increase flood hazards in other areas. (Ord. 611 Exh. A, 2021; Ord. 331 § 1.4, 1987).

**15.10.050 Definitions.**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

(1) "Alteration of watercourse" means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

(2) "Appeal" means a request for a review of the interpretation of any provision of this chapter or a request for a variance.

(3) "Area of shallow flooding" means a designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet; where a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

(4) "Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR. "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."

(5) "ASCE 24" means the most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.

(6) "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

(7) "Base flood elevation (BFE)" means the elevation to which floodwater is anticipated to rise during the base flood.

(8) "Basement" means any area of the building having its floor sub-grade (below ground level) on all sides.

(9) Building. see "Structure."

(10) "Building code" means the currently effective versions of the International Building Code and the International Residential Code adopted by the state of Washington Building Code Council.

(11) "Critical facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

(12) "Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

(13) "Elevation certificate" is an administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a letter of map amendment (LOMA) or letter of map revision based on fill (LOMR-F).

(14) “Elevated building,” for insurance purposes, is a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

(15) “Essential facility” has the same meaning as “essential facility” defined in ASCE 24. Table 1-1 in ASCE 24-14 further identifies building occupancies that are essential facilities.

(16) “Flood” or “flooding” means:

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(i) The overflow of inland waters from streams, rivers, and other watercourses.

(ii) The unusual and rapid accumulation or runoff of surface waters from any source.

(iii) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in subsection (16)(a)(ii) of this section and are akin to a river of liquid and flowing mud on the surface of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in subsection (16)(a)(i) of this section.

(17) “Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Insurance Administrator has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

(18) “Flood elevation study” means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examina-

tion, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a flood insurance study (FIS).

(19) Flood Insurance Study (FIS). See “Flood elevation study.”

(20) “Floodplain or flood prone area” means any land area susceptible to being inundated by water from any source. See “Flood or flooding.”

(21) “Floodplain administrator” means the community official designated by title to administer and enforce the floodplain management regulations.

(22) “Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Floodproofed structures are those that have the structural integrity and design to be impervious to floodwater below the base flood elevation.

(23) “Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as “regulatory floodway.”

(24) “Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

(25) “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(26) “Historic structure” means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of



the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(i) By an approved state program as determined by the Secretary of the Interior, or

(ii) Directly by the Secretary of the Interior in states without approved programs.

(27) “Lowest floor” means the lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter found at SCEMC 15.10.170(2), provided there are adequate flood ventilation openings.

(28) “Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles.

(29) “Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(30) “Mean sea level” means, for purposes of the National Flood Insurance Program, the vertical datum to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

(31) “New construction” means, for the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

(32) One-Hundred-Year Flood or 100-Year Flood. See “Base flood.”

(33) “Reasonably safe from flooding” means development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, “reasonably safe from flooding” means that the lowest floor is at least two feet above the highest adjacent grade.

(34) “Recreational vehicle” means a vehicle:

(a) Built on a single chassis;

(b) Four hundred square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(35) “Start of construction” includes substantial improvement, and means the date the building permit was issued; provided, the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual

start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the “actual start of construction” means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(36) “Structure” means a walled and roofed building including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

(37) “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(38) “Substantial improvement” means any repair, reconstruction, addition, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed.

The term does not, however, include either:

(a) Any project for improvement of a structure to correct previously identified existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement and that are the minimum necessary to assure safe living conditions; or

(b) Any alteration of a “historic structure”; provided, that the alteration will not preclude the structure's continued designation as a “historic structure.”

(39) “Variance” means a grant of relief from the terms of floodplain management regulation.

(40) “Violation” means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

(41) “Water surface elevation” means the height, in relation to the vertical datum utilized in the applicable flood insurance study, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(42) “Water dependent” means a structure for commerce or industry that cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operation. (Ord. 611 Exh. A, 2021; Ord. 481 § 1, 2007; Ord. 331 § 2.0, 1987).

#### **15.10.060 Lands to which this chapter applies.**

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the town of South Cle Elum. (Ord. 611 Exh. A, 2021; Ord. 331 § 3.1, 1987).

#### **15.10.070 Basis for establishing the areas of special flood hazard.**

The areas of special flood hazard identified by the Federal Insurance Administrator in the scientific and engineering report entitled “The Flood Insurance Study (FIS) for Kittitas County, Washington and Incorporated Areas,” dated September 24, 2021, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs), and any revisions thereto, are hereby adopted by reference and declared to be part of this chapter. The FIS and FIRM are on file at the South Cle Elum Town Hall, South Cle Elum, WA. The best available information for flood hazard area identification as

outlined in SCLMC 15.10.140(2) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under SCLMC 15.10.140(2). (Ord. 611 Exh. A, 2021; Ord. 481 § 1, 2007; Ord. 331 § 3.2, 1987).

#### **15.10.075 Compliance.**

All development within special flood hazard areas is subject to the terms of this chapter and other applicable regulations. (Ord. 611 Exh. A, 2021).

#### **15.10.080 Penalties for noncompliance.**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction be fined not more than \$5,000 for each violation or imprisoned not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the town of South Cle Elum from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 611 Exh. A, 2021; Ord. 331 § 3.3, 1987).

#### **15.10.090 Abrogation and greater restrictions.**

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 611 Exh. A, 2021; Ord. 331 § 3.4, 1987).

#### **15.10.100 Interpretation.**

In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;

- (2) Liberally construed in favor of the governing body; and

- (3) Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 611 Exh. A, 2021; Ord. 331 § 3.5, 1987).

#### **15.10.110 Warning and disclaimer of liability.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the town of South Cle Elum, any officer or employee thereof, or the Federal Insurance Administrator, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. 611 Exh. A, 2021; Ord. 331 § 3.6, 1987).

#### **15.10.115 Severability.**

This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid. (Ord. 611 Exh. A, 2021).

#### **15.10.120 Establishment of development permit.**

(1) Development Permit Required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in SCEMC 15.10.070. The permit shall be for all structures including manufactured homes, as set forth in SCEMC 15.10.050, and for all development including fill and other activities, also as set forth in SCEMC 15.10.050.

(2) Application for Development Permit. Application for a development permit shall be made on forms furnished by the floodplain

administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(a) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;

(b) Elevation in relation to mean sea level to which any structure has been flood-proofed;

(c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in SCEMC 15.10.170(2);

(d) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development;

(e) Where development is proposed in a floodway, an engineering analysis indicating no rise of the base flood elevation; and

(f) Any other such information that may be reasonably required by the floodplain administrator in order to review the application. (Ord. 611 Exh. A, 2021; Ord. 331 § 4.1, 1987).

#### **15.10.130 Designation of the floodplain administrator.**

The town clerk-treasurer is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. The floodplain administrator may delegate authority to implement these provisions. (Ord. 611 Exh. A, 2021; Ord. 331 § 4.2, 1987).

#### **15.10.140 Duties and responsibilities of the floodplain administrator.**

Duties of the floodplain administrator shall include, but not be limited to:

(1) Permit Review.

(a) Review all development permits to determine that the permit requirements of this chapter have been satisfied;

(b) Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required;

(c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of SCEMC 15.10.180(1) are met;

(d) Review all development permits to ensure that the site is reasonably safe from flooding;

(e) Notify FEMA when annexations occur in the special flood hazard area;

(f) Notify FEMA of changes to the base flood elevation within six months of when technical information of such changes becomes available. Such notification shall include technical or scientific information.

(2) Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with SCEMC 15.10.070, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer SCEMC 15.10.170 and 15.10.180.

(3) Information to Be Obtained and Maintained.

(a) Where base flood elevation data is provided through the flood insurance study, FIRM, or required as in subsection (2) of this section, obtain and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

(b) For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in subsection (2) of this section:

(i) Obtain and maintain a record of the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and

(ii) Maintain the floodproofing certifications required in SCEMC 15.10.120(2)(c).

(c) Maintain for public inspection all records pertaining to the provisions of this chapter.

(d) Records of all variance actions, including justification for their issuance.

(e) Improvement and damage calculations.

(f) Certification required by SCEMC 15.10.180(1) (floodway encroachments).

(4) Alteration of Watercourses. Whenever a watercourse is to be altered or relocated:

(a) Notify adjacent communities and the State of Washington Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means; and

(b) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

(5) Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in SCEMC 15.10.150. Such appeals shall be granted consistent with the standards of Section 60.6 of the Rules and Regulations of the NFIP. (Ord. 611 Exh. A, 2021; Ord. 331 § 4.3, 1987).

#### **15.10.150 Variance procedure.**

(1) Appeal Board.

(a) The appeal board as established by the town of South Cle Elum shall hear and decide appeals and requests for variances from the requirements of this chapter.

(b) The appeal board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the town clerk-treasurer in the enforcement or administration of this chapter.

(c) Those aggrieved by the decision of the appeal board, or any taxpayer, may appeal

such decision to the superior court of Kittitas County.

(d) In passing upon such applications, the appeal board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

(i) The danger that materials may be swept onto other lands to the injury of others;

(ii) The danger to life and property due to flooding or erosion damage;

(iii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(iv) The importance of the services provided by the proposed facility to the community;

(v) The necessity to the facility of a waterfront location, where applicable;

(vi) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(vii) The compatibility of the proposed use with existing and anticipated development;

(viii) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(ix) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(x) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(xi) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(e) Upon consideration of the factors of subsection (1)(d) of this section and the purposes of this chapter, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(f) The town clerk-treasurer shall maintain the records of all appeal and variance actions, including justification for their issuance.

ance and report any variances to the Federal Insurance Administration upon request.

(2) Conditions for Variances.

(a) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsections (1)(d)(i) through (xi) of this section have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.

(b) Variances may be issued for the repair, rehabilitation, or restoration of historic structures, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(c) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

(d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(e) Variances shall only be issued upon:

(i) A showing of good and sufficient cause;

(ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant;

(iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection (1)(d) of this section, or conflict with existing local laws or ordinances.

(f) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial

circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

(g) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except subsection (2)(a) of this section, and otherwise complies with SCEMC 15.10.160(1) and (2).

(h) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. 611 Exh. A, 2021; Ord. 331 § 4.4, 1987).

#### **15.10.160 Provisions for flood hazard reduction.**

In all areas of special flood hazards the following standards are required:

(1) Anchoring.

(a) All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(b) All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

(2) Construction Materials and Methods.

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(3) Utilities.

(a) All new and replacement water systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters;

(c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

(d) Water wells shall be located on high ground that is not in the floodway.

(4) Subdivision Proposals and Development.

(a) All subdivision proposals as well as new development shall be consistent with the need to minimize flood damage;

(b) All subdivision proposals as well as new development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(c) All subdivision proposals as well as new development shall have adequate drainage provided to reduce exposure to flood damage; and

(d) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).

(5) Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (SCEMC 15.10.140(2)), applications for floodplain development shall be reviewed to assure that proposed construc-

tion will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

(6) Storage of Materials and Equipment.

(1) The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.

(2) Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning. (Ord. 611 Exh. A, 2021; Ord. 331 § 5.1, 1987).

### 15.10.170 Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in SCEMC 15.10.070 or 15.10.140(2), the following provisions are required:

(1) Residential Construction.

(a) In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above base flood elevation. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE.

(b) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(ii) The bottom of all openings shall be no higher than one foot above grade.

(iii) Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.

(iv) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.

(c) Interior grades below the lowest exterior grade are prohibited unless the interior grade is above the base flood elevation. Below-grade crawlspaces are permitted subject to the town of South Cle Elum's clerk/treasurer and/or the town's planning agent's approval upon application and a showing of good cause and subject to the following criteria and compliance with FEMA TB-11 titled Crawlspaces Construction:

(i) The interior grade is not more than two feet below the lowest exterior grade.

(ii) The height of the below-grade crawlspace, as measured from the interior grade to the top of the crawlspace foundation wall, must not exceed four feet at any point.

(iii) There must be an adequate drainage system that removes interior floodwaters.

(iv) The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace.

(v) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(vi) The crawlspace is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot above the lowest adjacent exterior grade.

(vii) Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE.

(viii) Any building utility systems within the crawlspace must be elevated above

BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

(Buildings that have below-grade crawlspace may have higher flood insurance premiums than buildings that have the preferred crawlspace construction, with the interior elevation at or above the lowest adjacent grade.)

Interpretation and application of these requirements shall be consistent with official FEMA technical bulletin 11-01 guidance on crawlspace construction.

(d) New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements in Appendix A.

(e) New construction and substantial improvement of any residential structure in an unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the highest adjacent grade.

(2) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the following requirements:

(a) Meet the standards in SLEMC 15.10.170(1); or

(b) If the requirements of subsection (2)(a) of this section are not met, then new construction and substantial improvement of any commercial, industrial or nonresidential structure shall meet all of the following requirements:

(i) Be dry floodproofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater.

(ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(iii) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance



with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in SCEMC 15.10.140(3)(b).

(iv) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (1) of this section.

(c) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).

(3) Manufactured Homes. All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of SCEMC 15.10.160(1)(b).

(4) Critical Facilities. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the base floodplain. Construction of new critical facilities shall be permissible within the base floodplain if no feasible alternative site is available. Critical facilities constructed within the base floodplain shall have the lowest floor elevated to three feet or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base floodplain shall be provided to all critical facilities to the extent possible.

(5) Recreational Vehicles. Recreational vehicles placed on sites are required to either:

(a) Be on the site for fewer than 180 consecutive days; or

(b) Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utili-

ties and security devices and have no permanently attached additions; or

(c) Meet the requirements of subsection (3) of this section and the elevation and anchoring requirements for manufactured homes.

(6) AE and A1-30 Zones With Base Flood Elevations but No Floodways. In areas with BFEs (when a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(7) Enclosed Area Below the Lowest Floor. If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

(8) Small Accessory Structures (Detached Garages and Small Storage Structures). For A zones (A, AE, A1-30, AH, AO):

(a) Appurtenant structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:

(i) Use of the appurtenant structure must be limited to parking of vehicles or limited storage;

(ii) The portions of the appurtenant structure located below the BFE must be built using flood resistant materials;

(iii) The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement;

(iv) Any machinery or equipment servicing the appurtenant structure must be elevated or floodproofed to or above the BFE;

(v) The appurtenant structure must comply with floodway encroachment provisions in SCLMC 15.10.180(1);

(vi) The appurtenant structure must be designed to allow for the automatic entry and exit of floodwaters in accordance with subsection (1) of this section;

(vii) The structure shall have low damage potential; and

(viii) If the structure is converted to another use, it must be brought into full compliance with the standards governing such use;

(ix) The structure shall not be used for human habitation.

(b) Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in subsection (1) of this section.

(c) Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the floodplain administrator for verification.

(9) Critical Facility. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the BFE shall be provided to all critical facilities to the extent possible.

(10) Livestock Sanctuary Areas. Elevated areas for the for the purpose of creating a flood sanctuary for livestock are allowed on farm units where livestock is allowed. Livestock flood sanctuaries shall be sized appropriately for the expected number of livestock and be elevated sufficiently to protect livestock. Proposals for livestock flood sanctuaries shall meet all procedural and substantive requirements of this chapter. (Ord. 611 Exh. A, 2021; Ord. 482 § 1, 2007; Ord. 481 § 1, 2007; Ord. 344 § 1, 1989; Ord. 331 § 5.2, 1987).

### **15.10.180 Floodways.**

Located within areas of special flood hazard established in SCEMC 15.10.070 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) If subsection (1) of this section is satisfied or construction is allowed pursuant to subsection (3) of this section, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of SCEMC 15.10.160, 15.10.170, and this section.

(3) Construction or reconstruction of residential structures is prohibited within designated floodways, except for:

(a) Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and

(b) Repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either:

(i) Before the repair, reconstruction, or improvement is started; or

(ii) If the structure has been damaged, or is being restored, before the damage has occurred. Work done on structures to comply with existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places may be excluded from the 50 percent. (Ord. 611 Exh. A, 2021; Ord. 481 § 1, 2007; Ord. 347 § 1, 1989; Ord. 331 § 5.3, 1987).

**15.10.185 Standards for shallow flooding areas (AO) zones.**

Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from one to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In addition to other provisions in this code, the following additional provisions also apply in AO zones:

(1) New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement and mechanical equipment) elevated above the highest adjacent grade to the structure, one foot or more above the depth number specified in feet on the community's FIRM (at least two feet above the highest adjacent grade to the structure if no depth number is specified).

(2) New construction and substantial improvements of nonresidential structures within AO zones shall either:

(a) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or

(b) Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer, or architect as in SCEMC 15.10.170(2)(b).

(3) Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

(4) Recreational vehicles placed on sites within AO zones on the community's FIRM either:

(a) Be on the site for fewer than 180 consecutive days; or

(b) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

(c) Meet the requirements of subsections (1) and (3) of this section and the anchoring requirements for manufactured homes (SCLMC 15.10.170(3)). (Ord. 611 Exh. A, 2021).

**Chapter 15.15****FACTORY-BUILT HOUSING**

## Sections:

- 15.15.010 Purpose.
- 15.15.020 Definitions.
- 15.15.030 Application procedure.
- 15.15.040 Siting requirements.
- 15.15.050 Conditional use procedure.
- 15.15.060 Enforcement and penalty.
- 15.15.070 Fee schedule.

**15.15.010 Purpose.**

This chapter regulates the placement and occupancy of factory-built housing and subjects noncomplying factory-built homes and the use of recreational vehicles as temporary dwellings to a temporary placement permit procedure. The goal of this chapter is to insure the safety and welfare of the residents of the town of South Cle Elum. (Ord. 318 § 1, 1986).

**15.15.020 Definitions.**

(1) "Factory-built home" includes "mobile homes" and means manufactured, portable structures mounted on or designed for mounting on wheels or transported by trailer, used for residential purposes and having at least 1,000 square feet of enclosed living area.

(2) "Recreational vehicle" means a licensable vehicle, self-propelled or otherwise, designed to temporarily shelter persons, which vehicle is not more than eight feet in width. This definition includes but is not limited to, travel trailers, motor homes, campers, and buses. (Ord. 365 § 1, 1993; Ord. 318 § 2, 1986).

**15.15.030 Application procedure.**

(1) Factory-built Home. Such home must have attached Washington Department of Labor and Industries tags as per Chapter 296-150B WAC, as the same now exists or may in the future be amended, and must be certified to 90 pounds per square foot live roof-load, or be protected by a roof approved by the town building inspector, which roof meets the live load requirement.

(2) Recreational Vehicles. These vehicles are subject to conditional use conditions of this chapter.

The town building inspector may be consulted as to appropriate certification and may be consulted in an advisory capacity on any conditional use application. (Ord. 318 § 3, 1986).

**15.15.040 Siting requirements.**

Each factory-built home placed in the town of South Cle Elum shall:

(1) Be placed on the parcel according to presubmitted and approved plot plan described in the permit information form.

(2) All vegetation beneath home must be permanently removed.

(3) Be secured by one of the following methods:

(a) Footings. Be supported and anchored in a manner approved by the town building inspector. Support shall be of concrete footing on eight-foot centers, which are no less than 24 inches square by 12 inches in depth placed on undisturbed soil bearing material.

(b) Blocking. Minimum support blocking shall consist of concrete blocks placed in a manner approved by the building inspector. Shimming shall be of a material not susceptible to compression. All units shall be anchored according to current manufacturer's specifications. Units with support blocking higher than three feet above grade shall have adequate bracing to prevent horizontal movement.

(4) Have the tongue removed or camouflaged by landscaping to such an extent that it is unrecognizable.

(5) Maintain a minimum of 18-inch crawl space under entire structure.

(6) Have permanent steps affixed to all exits.

(7) Have certification seals affixed to the outer skin as required by the Washington State Department of Labor and Industries.

(8) Have all running gear, including axles, removed when placed on a full foundation with basement.

(9) Have approved fire resistant skirting securely installed around the entire outer base portion of the structure.

(10) Be served by the town of South Cle Elum water and sewer utility system. (Ord. 318 § 4, 1986).

#### **15.15.050 Conditional use procedure.**

All noncomplying structures, including noncode factory-built homes and recreational vehicles must obtain a conditional use permit procedure as follows:

(1) The petitioner must bring to regular council session proposal stating the nature of the proposed shelter and the reasons why he or she seeks temporary permit.

(2) A permanent committee of the council will review each case and make nonbinding recommendations to the council as a whole at the next regular council session.

(3) Any conditional use permit must specify in detail the conditions to be met, which permit will include specified time limitations.

(4) In order to expedite the application procedure, the council shall vote to grant or deny the temporary use or conditional use permit at the first regular council session following original appearance by the petitioner. (Ord. 318 § 5, 1986).

#### **15.15.060 Enforcement and penalty.**

(1) Town clerk-treasurer shall issue a building permit for dwellings that are in compliance with this chapter upon formal notification by the town building inspector.

(2) Noncompliance with this chapter shall result in the issuance of a stop-work order by the town building inspector and the assessment of a fine not less than \$50.00 and not more than \$500.00 per day. (Ord. 318 § 6, 1986).

#### **15.15.070 Fee schedule.**

(1) Minimum building or installation fee for factory-built home shall be \$0.10 per square foot.

(2) Conditional use fee shall be \$50.00 per application. (Ord. 318 § 7, 1986).

## **Chapter 15.20**

### **PERMITS**

Sections:

15.20.010 Demolition permits.

15.20.020 Building permit application deposits.

#### **15.20.010 Demolition permits.**

There shall be collected the amount of \$100.00 for issuance of a demolition permit to any individual, organization, or agency for the proposed demolition of any structure within the town of South Cle Elum. Upon certification by the town superintendent or the mayor's designee of satisfactory completion of the demolition, the town shall refund to the demolition permit holder \$50.00 of the funds collected at the time of issuance of the demolition permit. (Ord. 459A § 1, 2005).

#### **15.20.020 Building permit application deposits.**

A nonrefundable deposit payable to the town of South Cle Elum is required for every building permit application as follows:

- (1) Residential: \$600.00;
- (2) Accessory structure: \$200.00;
- (3) Commercial: \$600.00;
- (4) Modular home: \$200.00;
- (5) All other: \$100.00.

The balance of the permit fees are payable at the time of permit issuance. Approved plans will not be held for more than 180 days from the date plans are approved. Plans over 180 days will expire and the balance of plan review fees, if any, will be due. (Ord. 445, 2003).

**Chapter 15.25****GRADING, EXCAVATION AND  
LAND FILLING**

## Sections:

- 15.25.010 Purpose.
- 15.25.020 Definitions.
- 15.25.030 Permit required.
- 15.25.040 Exemptions.
- 15.25.050 Prohibited excavation, grading, and filling.
- 15.25.060 Permit application.
- 15.25.070 Standards.
- 15.25.080 Responsibility to have permit.
- 15.25.090 Stop work orders and corrective action.
- 15.25.100 Application review.
- 15.25.110 Sureties.
- 15.25.120 Expiration of permit.
- 15.25.130 Permit revocation.
- 15.25.140 Grading, excavation and land filling permit fee.

**15.25.010 Purpose.**

The purpose of this chapter includes but is not limited to regulating the grading, excavation and filling of land in order to minimize erosion and sedimentation of watercourses and wetlands; minimize the need for and maintenance of drainage facilities; minimize adverse effects on ground and surface waters; minimize their potential for earth slides and slippage; and maintain the maximum natural vegetation. (Ord. 480, 2007).

**15.25.020 Definitions.**

“Town plans examiner” means any person designated, hired or otherwise contracted by the town of South Cle Elum to perform planning services for the town of South Cle Elum. (Ord. 480, 2007).

**15.25.030 Permit required.**

A grading permit is required for grading, excavation or filling of land except as exempted in SCEMC 15.25.040. (Ord. 480, 2007).

**15.25.040 Exemptions.**

A grading permit is not required for:

- (1) Excavation and grading in association with a building permit;
- (2) Excavations required for installation of public improvements;
- (3) Excavations for the study of soil and groundwater conditions;
- (4) Landscape installation which does not result in a fill more than one foot in depth placed on natural terrain with a gradient less than 20 percent or an earth berm not more than four feet in height and which does not exceed 50 cubic yards on any one lot;
- (5) Excavations, grading or filling when required as a condition of a preliminary plat, short plat, or binding plan;
- (6) Work needed to correct an immediate danger to life or property in an emergency situation as declared by the mayor or his/her designee; or

(7) Roadway repairs and overlays within public street right-of-way for the purpose of maintaining the pavement on existing paved roadways. This exemption does not apply to curbs, gutters, sidewalks, utilities, new roadways or the widening of the paved surface of existing roadways.

An exemption from a clearing and grading permit does not exempt the person doing the work from meeting all applicable town codes. (Ord. 480, 2007).

**15.25.050 Prohibited excavation, grading, and filling.**

Excavation, grading, or filling is prohibited in the following area and situations:

- (1) If the work would result in the deposit of materials or otherwise have effects on public rights-of-way, easements and property; or
- (2) If the work is inconsistent with the town’s critical areas regulations in Chapter 16.10 SCEMC. (Ord. 539 § 4 (Att. C), 2013; Ord. 480, 2007).

**15.25.060 Permit application.**

The permit application shall be provided by the town clerk and include the following:

- (1) The name, address, and telephone number of the owner of the property on which the work is to be performed;
- (2) The name, address, and telephone number of the person doing the work;
- (3) A map of the site which includes: topography, vegetation, wetlands and water-courses, public improvements, structures and rights-of-way or other easements and such features within 300 feet of the work site;
- (4) The names and addresses of all property owners and residents within 300 feet of the work site;
- (5) A grading plan indicating the area to be filled or excavated, the contours of the land after filling or excavating and the amount of material to be moved;
- (6) An engineered soil compaction plan for all fills;
- (7) If material is to be moved from or to another lot or parcel of property, the application shall include the location of the site, the route to be followed, and evidence of compliance with the regulations of the government with jurisdiction over the site to borrow from or receive material;
- (8) A plan for the control of erosion and water quality during and after the site work;
- (9) A plan for drainage of the site;
- (10) A plan for restoration of vegetation or landscaping on the site;
- (11) An estimate of the cost of the work to be undertaken;
- (12) A SEPA environmental checklist if excavation or fill is over 500 cubic yards. If environmental review (SEPA) is required, the clearing and grading permit shall not be issued until the land use approval is received and SEPA determination made, any town appeal period has passed, and if a town appeal is filed, until the town has made a final decision on any appeal;
- (13) Other such information as may be required by the city planner, including engineering geological study, soils, and hydrological studies; and

- (14) A plan for dust control during grading, excavating, or filling. (Ord. 480, 2007).

**15.25.070 Standards.**

The following standards must be met to the satisfaction of town plans examiner prior to permit issuance:

- (1) Cut slopes shall be no steeper than is safe for the intended use and shall not be steeper than two horizontal to one vertical, or as recommended by a soils engineer.
- (2) Fills that are intended for building sites shall be constructed in conformance with the requirements of the latest edition of the IBC as adopted by the town.
- (3) Except as permitted by the city, no material other than earth material shall be buried or placed in fills. Placement of other than earth material is regulated by state statutes or federal laws and additional permits may be required.
- (4) Fills shall be constructed using earth materials, compaction methods and construction techniques, so that stable fills are created.
- (5) Grading, filling, or clearing in or within the vicinity of a wetland shall comply with Chapter 16.10 SCEMC.
- (6) Grading, filling or clearing in an area of special flood hazard shall be done in accordance with the latest version of the town flood-plain management ordinance (Chapter 15.10 SCEMC) or this chapter, whichever has the more stringent development regulations.
- (7) Grading, filling or clearing of archaeological sites shall be done in accordance with Chapter 25-48 WAC, as now adopted or as may be amended, or other applicable state and federal law. (Ord. 480, 2007).

**15.25.080 Responsibility to have permit.**

Every contractor or other person working or directing work that requires a permit under this chapter must:

- (1) Have a copy of the permit before starting and during all phases of the work. The permit, approved plans and applicable terms and conditions of approval shall be kept on site at all times.

(2) Be familiar with and comply with the terms and conditions of the permit. (Ord. 480, 2007).

#### **15.25.090 Stop work orders and corrective action.**

(1) The town plans examiner shall notify the permittee, or person doing the work, whenever the town plans examiner determines that:

(a) During the life of the permit, the project is causing problems related to earth and water resources, such as sediment leaving the site or entering the drainage system; or

(b) The act or intended act of clearing or grading has become or will constitute a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way, drainage channel, street or surface water; or

(c) Clearing and grading is occurring without a required permit; or

(d) The project is otherwise violating this chapter or the provisions of a permit issued under this chapter.

(2) Initial notice per subsection (1) of this section may be verbal. If verbal notice is given, it shall be followed by a written correction notice if compliance is not readily achieved. When issuing a written correction notice, the town plans examiner shall serve it to the persons doing the work or causing the work to be done or by posting notice on the site.

(3) A written correction notice per subsection (2) of this section may include a stop work order, or a stop work order may be independently issued, whenever the continuation of work is likely to harm or pose a hazard to property, safety or the downstream drainage system. In addition, a stop work order shall also be issued as specified in subsection (4) of this section.

(4) The cost of measures needed to correct damage caused by the project clearing and grading, including impacts to downstream drainage system, shall be borne by the permittee. The permittee is required to correct on-site or off-site damages that are caused by the project per the direction of the town plans examiner and within the time specified in the town plans examiner's written correction

notice. Otherwise, the town, or a contractor working under the direction of the town, shall do so using the abatement security device, if a device was provided for the site. (Ord. 480, 2007).

#### **15.25.100 Application review.**

The town superintendent is hereby appointed to administer and implement this chapter with the assistance of the town plans examiner and/or the town clerk as noted herein, by granting or denying grading permit applications in accordance with its provisions. (Ord. 480, 2007).

#### **15.25.110 Sureties.**

The town plans examiner may require, as a condition of the permit, a surety to be posted to secure the applicant's obligation to comply with the conditions of the permit. The surety may be up to 125 percent of the estimated cost of the work. (Ord. 480, 2007).

#### **15.25.120 Expiration of permit.**

A grading permit shall expire six months from the date of issuance. The town plans examiner may grant one extension of time for an additional six months. (Ord. 480, 2007).

#### **15.25.130 Permit revocation.**

The town may revoke or suspend the clearing and grading permit whenever:

(1) The permittee requests such revocation or suspension;

(2) The work does not proceed in accordance with the plans, as approved, or is not in compliance with the requirements of this chapter or other town ordinances;

(3) Entry upon the property for purposes of investigation or inspection has been denied;

(4) The permittee has made a misrepresentation of material fact in applying for such permit;

(5) The progress of work indicates that the plan is or will be inadequate to protect the public, the adjoining property, the street, protected areas, the drainage system, or other utilities; or the work endangers or will endanger the public, the adjoining property, the street, protected areas, the drainage system or other utilities;



(6) The permit has not been acted upon or extended within the time allowed pursuant to SCEMC 15.25.120. (Ord. 480, 2007).

**15.25.140 Grading, excavation and land filling permit fee.**

A permit fee shall be paid for each grading permit in accordance with fees set by resolution adopted by the town of South Cle Elum council. (Ord. 480, 2007).

## **Title 16**

### **ENVIRONMENT**

#### **Chapters:**

**16.05 SEPA**

**16.10 Critical Areas**

**16.15 Shorelines**

## Chapter 16.05

### SEPA

#### Sections:

- 16.05.010 Authority.
- 16.05.020 Adoption by reference.
- 16.05.030 Additional definitions.
- 16.05.040 Responsible official designated.
- 16.05.050 Determination of categorical exemption.
- 16.05.060 Environmental checklist required.
- 16.05.070 Environmental impact statement (EIS).
- 16.05.080 Preparation and review of environmental impact statement – Responsibilities and process.
- 16.05.090 Public notice.
- 16.05.100 Internal circulation of environmental documents.
- 16.05.110 Timing of a decision on nonexempt action.
- 16.05.120 Authority to condition or deny proposals.
- 16.05.130 Substantive authority.
- 16.05.140 Town responsibilities as consulted agency.
- 16.05.150 Environmental appeals.
- 16.05.160 Time limitation on appeals.
- 16.05.170 Fee to accompany notice of appeal.
- 16.05.180 Notice of hearing.
- 16.05.190 Public hearing.
- 16.05.200 Testimony – Recording.
- 16.05.210 Substantial weight – Burden of proof.
- 16.05.220 Decision of the town council.
- 16.05.230 Dismissal of appeal.
- 16.05.240 Superior court review – Limitations for appeal.
- 16.05.250 SEPA review policy and procedure for town of South Cle Elum growth management products.
- 16.05.260 Overall growth management environmental goals, policies and objectives.
- 16.05.270 SEPA procedures for growth management products.
- 16.05.280 Expanded environmental checklist.
- 16.05.290 Mitigated determination of nonsignificance – Management.

- 16.05.300 Determination of significance – Growth management.
- 16.05.310 Appeals on threshold determinations for growth management products.
- 16.05.320 Copies to be available.

#### 16.05.010 Authority.

These procedures are adopted under authority of the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA Rules, WAC 197-11-904. (Ord. 371 § 2, 1994).

#### 16.05.020 Adoption by reference.

The following sections of Chapter 197-11 of the Washington Administrative Code (WAC), as presently existing and as may subsequently be amended, hereby, are adopted by reference, as if fully set forth herein:

#### WAC

- 197-11-040 Definitions.
- 197-11-050 Lead agency.
- 197-11-055 Timing of the SEPA process.
- 197-11-060 Content of environmental review.
- 197-11-070 Limitations on actions during SEPA process.
- 197-11-080 Incomplete or unavailable information.
- 197-11-090 Supporting documents.
- 197-11-100 Information required of applicants.
- 197-11-300 Purpose of this part.
- 197-11-305 Categorical exemptions.
- 197-11-310 Threshold determination required.
- 197-11-315 Environmental checklist.
- 197-11-330 Threshold determination process.
- 197-11-335 Additional information.
- 197-11-340 Determination of nonsignificance (DNS).
- 197-11-350 Mitigated DNS.
- 197-11-360 Determination of significance (DS)/Initiation of scoping.
- 197-11-390 Effect of threshold determination.
- 197-11-400 Purpose of EIS.
- 197-11-402 General requirements.
- 197-11-405 EIS types.

197-11-406	EIS timing.	197-11-710	Affected tribe.
197-11-408	Scoping.	197-11-712	Affecting.
197-11-410	Expanded scoping.	197-11-714	Agency.
197-11-420	EIS preparation.	197-11-716	Applicant.
197-11-425	Style and size.	197-11-718	Built environment.
197-11-430	Format.	197-11-720	Categorical exemptions.
197-11-435	Cover letter or memo.	197-11-722	Consolidated appeal.
197-11-440	EIS contents.	197-11-724	Consulted agency.
197-11-442	Contents of EIS on nonproject proposals.	197-11-726	Cost-benefits analysis.
197-11-443	EIS contents when prior nonproject EIS.	197-11-728	County/city.
197-11-444	Elements of the environment.	197-11-730	Decision maker.
197-11-448	Relationship of EIS to other considerations.	197-11-732	Department.
197-11-450	Cost-benefits analysis.	197-11-734	Determination of nonsignificance (DNS).
197-11-455	Issuance of DEIS.	197-11-736	Determination of significance (DS).
197-11-460	Issuance of FEIS.	197-11-738	EIS.
197-11-500	Purpose of this part.	197-11-740	Environment.
197-11-502	Inviting comment.	197-11-742	Environmental checklist.
197-11-504	Availability and cost of environmental documents.	197-11-744	Environmental document.
197-11-508	SEPA register.	197-11-746	Environmental review.
197-11-510	Public notice.	197-11-748	Environmentally sensitive area.
197-11-535	Public hearings and meetings.	197-11-750	Expanded scoping.
197-11-545	Effect of no comment.	197-11-752	Impacts.
197-11-550	Specificity of comments.	197-11-754	Incorporation by reference.
197-11-560	FEIS response to comments.	197-11-756	Lands covered by water.
197-11-570	Consulted agency costs to assist lead agency.	197-11-758	Lead agency.
197-11-600	When to use existing environmental documents.	197-11-760	License.
197-11-610	Use of NEPA documents.	197-11-762	Local agency.
197-11-620	Supplemental environmental impact statement – Procedures.	197-11-764	Major action.
197-11-625	Addenda – Procedures.	197-11-766	Mitigated DNS.
197-11-630	Adoption – Procedures.	197-11-768	Mitigation.
197-11-635	Incorporation by reference – Procedures.	197-11-770	Natural environment.
197-11-640	Combining documents.	197-11-772	NEPA.
197-11-650	Purpose of this part.	197-11-774	Nonproject.
197-11-655	Implementation.	197-11-776	Phased review.
197-11-660	Substantive authority and mitigation.	197-11-778	Preparation.
197-11-680	Appeals.	197-11-780	Private project.
197-11-700	Definitions.	197-11-782	Probable.
197-11-702	Act.	197-11-784	Proposal.
197-11-704	Actions.	197-11-786	Reasonable alternative.
197-11-706	Addendum.	197-11-788	Responsible official.
197-11-708	Adoption.	197-11-790	SEPA.
		197-11-792	Scope.
		197-11-793	Scoping.
		197-11-794	Significant.
		197-11-796	State agency.
		197-11-797	Threshold determination.
		197-11-799	Underlying governmental action.
		197-11-800	Categorical exemptions.

- 197-11-880 Emergencies.
- 197-11-890 Petitioning DOE to change exemptions.
- 197-11-900 Purpose of this part.
- 197-11-902 Agency SEPA policies.
- 197-11-908 Environmentally sensitive areas.
- 197-11-916 Application to ongoing actions.
- 197-11-920 Agencies with environmental expertise.
- 197-11-924 Lead agency.
- 197-11-926 Lead agency for government proposals.
- 197-11-928 Lead agency for public and private proposals.
- 197-11-930 Lead agency for private projects with one agency with jurisdiction.
- 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is county/city.
- 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
- 197-11-936 Lead agency for private projects requiring licenses from more than one state agency.
- 197-11-938 Lead agencies for specific proposals.
- 197-11-940 Transfer of lead agency status to a state agency.
- 197-11-942 Agreements on lead agency status.
- 197-11-944 Agreements on division of lead agency duties.
- 197-11-946 DOE resolution of lead agency disputes.
- 197-11-948 Assumption of lead agency status.
- 197-11-950 Severability.
- 197-11-960 Environmental checklist.
- 197-11-965 Adoption notice.
- 197-11-970 Determination of nonsignificance (DNS).
- 197-11-980 Determination of significance and scoping notice (DS).
- 197-11-985 Notice of assumption of lead agency status.

- 197-11-990 Notice of action.  
(Ord. 371 § 3, 1994).

**16.05.030 Additional definitions.**

In addition to those definitions set forth in SCEMC 16.05.020, the following words and terms shall have the following meanings, unless the context indicates otherwise.

(1) “Advisory body” means any body, established by the town council, the responsibilities of which include review of development proposals for the purpose of making recommendations to the council.

(2) “Development” means the rezoning of property, the subdivision of land, the construction of buildings, or any physical alterations of the land which is subject to town approval and to the requirements of SEPA.

(3) “Environmentally sensitive areas” include the following areas and ecosystems:

(a) Wetlands, which are areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands may include those artificial wetlands intentionally created from nonwetland areas for mitigated conversion.

(b) Areas with critical recharging effect on aquifers used for potable water.

(c) Fish and wildlife habitat conservation areas.

(d) Frequently flooded areas, which include those flooded areas in the 100-year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program and other frequently flooded areas.

(e) Geologically hazardous areas, which include those areas that are not suited to commercial, residential, or industrial development

because of susceptibility to erosion, sliding, earthquakes, or other geological areas hazardous to public health or safety.

(f) Fish and wildlife habitat conservation areas, which include:

(i) Areas with which endangered, threatened, and sensitive species have primary association;

(ii) Habitats and species of local importance;

(iii) Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat;

(iv) Waters of the state;

(v) Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity; and

(vi) State natural area preserves and natural resource conservation areas.

(4) "SEPA" means Chapter 43.21C RCW, as now existing or as may subsequently be amended.

(5) "SEPA rules" means Chapter 197-11 WAC adopted by the Department of Ecology, as now existing or as may subsequently be amended. (Ord. 371 § 4, 1994).

#### **16.05.040 Responsible official designated.**

The mayor, or his or her designee, shall be the SEPA responsible official for the town, and shall carry out the duties and functions of the town when it is acting as the lead agency or as a consulted agency under SEPA and the SEPA rules. (Ord. 371 § 5, 1994).

#### **16.05.050 Determination of categorical exemption.**

(1) The town, upon receiving an application for a proposal, or upon initiating a proposal which is potentially subject to the requirements of SEPA, shall make the following determinations:

(a) Whether the proposal is an "action" as defined by WAC 197-11-714; and

(b) If the proposal is an "action," whether it is categorically exempt from the requirements of SEPA; and

(c) If the proposal is a nonexempt action, whether appropriate environmental

review of the project has been conducted or commenced.

(2) The responsible official or the responsible official's designee shall assist any department in making the determinations required by this section, upon request by the department.

(3) The town of South Cle Elum recognizes that the list of categorical exemptions included in the SEPA rules cannot be relied upon as the final determination of whether a proposed project, regardless of its environmental impact, must comply with SEPA and this ordinance. Where the responsible official determines that a proposal has a reasonable likelihood of causing more than a moderated adverse impact on environmental quality, whether that impact is direct, indirect, or cumulative, environmental review under SEPA shall be conducted.

(4) It is recognized that a particular development or land use, though otherwise consistent with town regulations and policies, may create adverse impacts upon facilities, services, natural systems or the surrounding area when aggregated with the impacts of prior or reasonably anticipated future developments. The town shall evaluate such cumulative environmental determinations and substantive decisions accordingly. (Ord. 371 § 6, 1994).

#### **16.05.060 Environmental checklist required.**

(1) Whenever the responsible official determines that a proposal is a nonexempt action for which appropriate environmental review has not been conducted or commenced, the responsible official shall require the action proponent to prepare and submit an environmental checklist, including the following:

(a) The original, signed copy of the environmental checklist;

(b) A copy of any completed application form in the department's possession relating to the proposal;

(c) A copy of any project description, conceptual plan or plot plan which may have been prepared or submitted;

(d) Any additional information in the department's possession addressing the proposed action's environmental impacts.

(2) The environmental review process shall not begin until a complete application (an environmental checklist and requested supporting materials) is received by the responsible official. Incomplete environmental checklist applications will be returned to the applicant for completion as directed by the responsible official.

(3) The provisions of this section shall not apply when the responsible official and the proponent of a nonexempt action agree in writing that the proposal is likely to have significant adverse environmental impacts, and further agree that an environmental impact statement (EIS) will be prepared. (Ord. 371 § 7, 1994).

#### **16.05.070 Environmental impact statement (EIS).**

Whenever the responsible official has issued a determination of significance (DS) for a nonexempt action, it shall be the responsibility of the individual, corporation, agency or the town initiating or proposing the action to prepare a draft EIS and a final EIS under the supervision of the responsible official. Consultants shall be selected based on their expertise and knowledge related to the scoped environmental elements to be analyzed in the EIS documents. Regardless of who prepares an EIS, it is the EIS of the town and the responsible official must be satisfied that the EIS complies with this chapter, with SEPA and with the SEPA rules prior to issuance of the EIS. (Ord. 371 § 8, 1994).

#### **16.05.080 Preparation and review of environmental impact statement – Responsibilities and process.**

(1) Preparation of draft and final environmental impact statement (DEIS and FEIS) and all supplemental EIS material shall be the responsibility of the responsible official and lend agency. Before the town issues an EIS, the responsible official shall be satisfied that it complies with this ordinance and Chapter 197-11 WAC.

(2) The DEIS and FEIS or draft and final impact statements and any supplemental documents that are required shall be prepared by

town staff, or by a consultant approved by the town of South Cle Elum in accordance with the following system:

(a) The town of South Cle Elum shall prepare and maintain a list of qualified environmental consultants and firms. Any proposed consultant whose name is not on the list must submit a statement of qualifications including information on experience in the preparation of environmental impact statements. Upon approval of the submitted qualifications, the mayor shall add the name to the list of qualified consultants.

(b) Any appeal on the selection or denial of a consultant shall be referred to the town council whose decision on the matter will be final.

(3) The town may require the applicant to provide additional information the town does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this chapter or that is being requested from another agency. This does not apply to information the town may request under another ordinance or statute. (Ord. 371 § 9, 1994).

#### **16.05.090 Public notice.**

(1) Whenever public notice is required under the SEPA rules, the responsible official shall cause notice to be given in the following manner:

(a) By posting the subject property as directed by the responsible official (site-specific proposals only); and

(b) By publishing notice in the official newspaper of the town.

(2) Additional public notice may be provided for a proposal having, or potentially having, unusually widespread, unique, or significant adverse impacts, or for other proposals, at the discretion of the responsible official.

(3) Where notice is required for an action which has been proposed or initiated by a party other than the town, the cost of newspaper publication of such notice or notices shall be borne by the applicant. (Ord. 371 § 10, 1994).

**16.05.100 Internal circulation of environmental documents.**

Relevant environmental documents shall accompany proposals through existing town project review processes. The responsible official shall ensure that environmental documents are provided to decision makers. (Ord. 371 § 11, 1994).

**16.05.110 Timing of a decision on nonexempt action.**

(1) For nonexempt actions, the procedural requirements of SEPA, the SEPA rules and this chapter shall be completed prior to the town's issuance of a license, permit, or other approval, and prior to the town committing to a particular course of action, or prior to the town making a decision which would either have adverse environmental impacts, or limit the choice of reasonable alternatives.

(2) A final decision on a nonexempt action for which a DNS has been issued or an EIS has been required, shall not be made until after expiration of the environmental appeal period or if appealed, shall not be made until the decision of the appeal becomes final. (Ord. 371 § 12, 1994).

**16.05.120 Authority to condition or deny proposals.**

(1) The policies and goals set forth and referenced by this chapter are supplementary to other zoning, land use, and regulatory ordinances of the town.

(2) The town may attach conditions to a permit or approval so long as:

(a) Such conditions are necessary to mitigate probable significant adverse environmental impacts identified in environmental documents prepared pursuant to this ordinance; and

(b) Such conditions are in writing; and

(c) The mitigation measures included in such conditions are reasonable and capable of being accomplished; and

(d) The town has considered whether other local, state, or federal mitigation measures applicable to the proposal are sufficient to mitigate the identified impacts; and

(e) Such conditions are based on one or more policies, plans, rules or regulations designated in SCEMC 16.05.020 as a basis for the exercise of substantive SEPA authority, and cited in the license, permit, ordinance or other decision document.

(3) All proposals to conduct activities having a possible significant impact on environmentally sensitive areas must identify the environmentally sensitive areas affected and make an estimate of the probable impact. The town shall deny all requests for permits which would result in activities degrading a wetland or fish and wildlife habitat conservation area, which would put people or property in positions of unacceptable risk with respect to floods or geological hazards, which would tend to aggravate a geologically hazardous area, or which would harm critical recharging areas for aquifers for potable water. The town may, however, grant permits which include mitigating measures if the mitigation measures adequately protect the environmentally sensitive area and people involved.

(4) The town may deny a permit or approval for a proposal on the basis of SEPA so long as:

(a) A finding is made that approval would result in probable significant adverse environmental impacts which are identified in a final EIS prepared pursuant to this chapter; and

(b) A finding is made that there are no reasonable mitigation measures capable of being accomplished which are sufficient to make the identification impacts nonsignificant; and

(c) The denial is based on one or more policies, plans, rules or regulations designated in SCEMC 16.05.020 as a basis for the exercise of substantive SEPA authority, and cited in the license, permit, ordinance or other decision document.

(5) If the lead agency determines, after the initial review of a project, that a proposed action could not comply with adopted plans, policies, rules or regulations, and where the town has authority other than SEPA to deny the proposal, the project can be denied outright without making a threshold determination,



which denial shall be in writing. Proposed actions which are subsequently modified, amended or deemed to be consistent with adopted plans, policies, rules or regulations shall not receive final approval until the proposed action is in full compliance with SEPA, the SEPA rules, and this chapter.

(6) Where the responsible official has issued a mitigated DNS, the decision maker shall not approve the proposal until:

(a) The proponent has modified the proposal, either through modification of plans and other application materials or through a separate written instrument attached to the application, such that the mitigating measures of the mitigated DNS become part of the proposal; or

(b) The decision maker has incorporated the mitigating measures of the mitigated DNS into the license, permit, ordinance or other approval; or

(c) A combination of subsections (a) and (b) of this section.

(7) Where mitigating measures are agreed to, or imposed, and where the proponent fails to implement such mitigating measures, the town shall have the authority to revoke any permit, license, or other approval granted on the basis of such mitigating measures. (Ord. 371 § 13, 1994).

#### **16.05.130 Substantive authority.**

The town adopts by reference the following policies, plans, rules and regulations, as now existing or as may subsequently be amended, as a basis for the exercise of substantive authority to approve, condition or deny proposed actions under RCW 43.21C.060 of SEPA:

(1) Town of South Cle Elum comprehensive plan;

(2) Town of South Cle Elum zoning code;

(3) Town of South Cle Elum floodplain ordinances;

(4) Town of South Cle Elum six-year street plan; and

(5) State growth management legislation or initiatives. (Ord. 371 § 14, 1994).

#### **16.05.140 Town responsibilities as consulted agency.**

In carrying out the town's duties as a consulted agency, the responsible official shall request information from any department potentially affected by or having expertise on a proposal. Information timely received by the responsible official in response to such request shall be transmitted to the lead agency. The responsible official may transmit such information by forwarding copies of any department responses, or by consolidating all department responses into a single town response. (Ord. 371 § 15, 1994).

#### **16.05.150 Environmental appeals.**

Any person aggrieved by a final threshold determination of significance, final determination of nonsignificance, or inadequacy of a final EIS may file an appeal with the town council of the town of South Cle Elum. Appeal of intermediate steps under SEPA (e.g., lead agency determination, scoping, draft EIS adequacy) shall not be allowed. (Ord. 371 § 16, 1994).

#### **16.05.160 Time limitation on appeals.**

A written notice of appeal identifying the grounds for appeal must be filed with the town clerk-treasurer within 10 working days of the date considered final threshold determination of significance, final determination of nonsignificance, or final EIS. (Ord. 371 § 17, 1994).

#### **16.05.170 Fee to accompany notice of appeal.**

A fee of \$100.00 shall accompany the written notice of appeal and be filed within the appeal period with the town clerk-treasurer. No notice of appeal shall be accepted unless accompanied by full payment of the filing fee. This fee shall be utilized to cover publication costs, mailing, and other costs directly associated with the appeal. (Ord. 371 § 18, 1994).

#### **16.05.180 Notice of hearing.**

Notice of appeal, timely filed, shall be transmitted by the town clerk-treasurer to the town council and the SEPA responsible official. The council shall determine the date, time, and

place of a public hearing to consider the appeal, and shall notify the parties thereof. (Ord. 371 § 19, 1994).

#### **16.05.190 Public hearing.**

A public hearing upon appeal of a threshold determination shall be conducted by the town council. (Ord. 371 § 20, 1994).

#### **16.05.200 Testimony – Recording.**

All testimony taken at any public hearing shall be taken under oath. The hearing shall be recorded electronically. (Ord. 371 § 21, 1994).

#### **16.05.210 Substantial weight – Burden of proof.**

A threshold determination by the responsible official is entitled to substantial weight. The burden shall be on the appellant to establish that the determination is in error. (Ord. 371 § 22, 1994).

#### **16.05.220 Decision of the town council.**

Upon the basis of all of the information received in public hearing, and all information relied upon by the responsible official, the town council shall prepare a written decision, including findings of fact and conclusions. (Ord. 371 § 23, 1994).

#### **16.05.230 Dismissal of appeal.**

The town council may summarily dismiss an appeal without hearing, when such an appeal is determined by the council to be without merit on its face, frivolous, or brought merely to impede a process or secure a delay. (Ord. 371 § 24, 1994).

#### **16.05.240 Superior court review – Limitations for appeal.**

The decision of the town council on appeal for a threshold determination may be appealed to the superior court of Kittitas County within 30 days of the council's decision. Such superior court review shall be conducted on the record compiled by the town council, consistent with other applicable law. (Ord. 371 § 25, 1994).

#### **16.05.250 SEPA review policy and procedure for town of South Cle Elum growth management products.**

The following procedures and internal policies are hereby instituted for implementing the State Environmental Policy Act on the various growth management documents, plans and other products. (Ord. 371 § 26, 1994).

#### **16.05.260 Overall growth management environmental goals, policies and objectives.**

(1) The Town of South Cle Elum will strive to maintain the quality of the environment through implementing the requirements of the Growth Management Act.

(2) The town of South Cle Elum will meet all substantive and procedural requirements of the town's SEPA ordinance, Chapters 43.21C RCW and 197-11 WAC.

(3) It is the intent of the town to balance development needs with preservation of the town's unique environment.

(4) The town of South Cle Elum will utilize a high degree of citizen participation in the growth management planning process which shall be accurately conveyed throughout the SEPA process.

(5) Through the environmental review process, the town shall ensure internal consistency within all comprehensive growth management plans.

(6) Pursuant to the State Environmental Policy Act, the town of South Cle Elum shall review and analyze all potentially significant adverse environmental impacts of various growth management documents based on their cumulative effect on the environment.

(7) All environmental information produced in the review process shall be as accurate as possible which may create the need for outside consultation. The town of South Cle Elum considers accurate environmental information essential in ensuring good decision making.

(8) The environmental review process will have particular emphasis upon the protection of individual rights and the customs and cultures of the region. (Ord. 371 § 27, 1994).

**16.05.270 SEPA procedures for growth management products.**

(1) Through the development of various growth management documents, the staff shall facilitate adherence to the established SEPA goals and objectives. This may be manifested in direct staff facilitation, policy changes, procedure adjustments, and amendments to the adoption process and public review period.

(2) At the completion of the planning process for each growth management product, an environmental checklist will be prepared by the lead agency. Once the checklist is prepared, it will be sent out for review and comment prior to threshold determination. The lead agency will allow sufficient time for all agencies and parties of record to comment and make suggestions for amendments related to SEPA.

(3) Once all of the comments are received according to the specified time period, the lead agency shall analyze the submitted comments for their substantive relationship to the town's SEPA goals and policies for growth management. The lead agency shall change and amend the checklist if it is decided the scope and intent of the submitted comments warrant such changes. These changes may include additional information in the checklist related to either the human or physical environment. A final threshold determination will not be made until the lead agency can demonstrate that all of the responding comments have been addressed.

(4) When the lead agency has made a final threshold determination, an automatic 15-day comment period will commence. This comment period is required for all growth management documents regardless of whether additional governmental approvals are necessary. The circulation of the final threshold determination will be the same as described in subsection (2) of this section. All public notice requirements will be met as stipulated in the town of South Cle Elum SEPA ordinance and WAC 197-11-510. (Ord. 371 § 28, 1994).

**16.05.280 Expanded environmental checklist.**

(1) The lead agency may determine after the growth management planning process has concluded that an expanded environmental checklist is necessary. The expanded environmental checklist shall be substantially the same as the checklist described in WAC 197-11-960 but contains much greater discussion and a broader range of information. The format for the expanded checklist will involve the elaboration, either whole or in part, of certain subsections of the checklist.

(2) In order to prepare the expanded checklist, the lead agency shall consult with various agencies, organizations and individuals having specific environmental knowledge and expertise. A SEPA review meeting may be convened in order to coordinate and assemble all available and pertinent environmental data.

(3) The expanded checklist and subsequent processing of the threshold determination shall be conducted in accordance with SC EMC 16.05.060. (Ord. 371 § 29, 1994).

**16.05.290 Mitigated determination of nonsignificance – Management.**

(1) A mitigated determination of nonsignificance (MDNS) may be issued if the lead agency feels specific mitigating measures are needed to avoid significant adverse environmental impacts, a result of growth management actions and recommendations. Mitigating measures may be prescribed as a direct response to submitted comments, concerns and feedback identified through the threshold determination process. Implementation will occur through policy or ordinance revisions, clarifications, text and/or procedure changes in the record of decision prior to completing the threshold determination.

(2) The mitigated determination of nonsignificance will be issued and processed in the same manner as stipulated in WAC 197-11-350.

(3) Mitigating measures can be used to commit to further analysis or study on any given SEPA element. Further analysis may include preparation of alternatives, additional

review or investigation of potential environmental impacts of any portion of a particular growth management product.

(4) The mitigation measures may serve as standards in which subsequent growth management policies and regulations are created or established. (Ord. 371 § 30, 1994).

#### **16.05.300 Determination of significance – Growth management.**

(1) If after completing the growth management threshold determination process the lead agency decides that a determination of significance is warranted, a public notice will be issued pursuant to WAC 197-11-360 and this chapter.

(2) After the public notice is issued and prior to scoping, the lead agency shall prepare substantive findings of fact on why an environmental impact statement (EIS) is needed. The resulting findings may be used during scoping to focus or concentrate on specific areas of the EIS. The developed findings will be used to substantiate the need for the EIS.

(3) Preparation of any EIS for growth management purposes may be produced as an integrated programmatic approach to formulating, completing, or revising any growth management document or process. (Ord. 371 § 31, 1994).

#### **16.05.310 Appeals on threshold determinations for growth management products.**

(1) Should a private or public organization or individual appeal the decision of the lead agency to issue a determination of nonsignificance (DNS), the appellant shall also submit written findings substantiating the need for an EIS. The required findings shall be submitted within 30 days of the filing of the appeal. The appeal procedures on any DNS related to the adoption of any growth management product shall be processed and proceed in accordance with this chapter. Appeals beyond the local level prescribed in this chapter shall be within the jurisdiction of the Eastern Washington Growth Management Hearings Board.

(2) With any appeal of a DNS related to a growth management product, the appellants shall clearly and definitively demonstrate that the adoption of the proposed growth management document will have a significant adverse environmental impact. This demonstration shall be made to the responsible official of the lead agency and to the town council and/or the Eastern Washington Growth Management Hearing Board. Such demonstration shall be used to determine the appropriateness of the appeal itself. (Ord. 371 § 32, 1994).

#### **16.05.320 Copies to be available.**

A copy of the Washington Administrative Code adopted by reference shall be authenticated and recorded by the town clerk-treasurer and not less than one copy thereof shall be available in the office of the town clerk-treasurer for use and examination by the public. (Ord. 371 § 34, 1994).

## Chapter 16.10

### CRITICAL AREAS

#### Sections:

- 16.10.005 Statutory authorization.
- 16.10.010 Purpose and objectives.
- 16.10.020 Definitions.
- 16.10.030 Lands to which this chapter applies.
- 16.10.040 Land use activities to which this chapter applies.
- 16.10.050 Exempt land use activities.
- 16.10.060 Identification of critical areas – Maps and reference materials.
- 16.10.070 Basis for protection of critical areas.
- 16.10.080 Interpretation of chapter and basis for designation of critical area.
- 16.10.090 Critical area protection permit required.
- 16.10.100 Application for critical area protection permits.
- 16.10.105 Critical areas report requirements.
- 16.10.110 Administrative agency.
- 16.10.120 Use of other data.
- 16.10.130 Appeal of critical area designation and other discretionary decisions.
- 16.10.140 Integration of critical areas protection requirements into the State Environmental Policy Act (SEPA).
- 16.10.150 Wetlands.
- 16.10.160 No net loss of wetland areas.
- 16.10.170 Buffer width requirements.
- 16.10.180 Wetland buffer ranges.
- 16.10.190 Administration of wetland buffer requirements.
- 16.10.200 Natural condition of wetland buffer.
- 16.10.210 Allowed uses in wetlands and wetland buffer areas.
- 16.10.220 Building setback lines from wetland buffers.
- 16.10.230 Wetland replacement ratios.
- 16.10.240 Conservation moneys.
- 16.10.250 Frequently flooded areas.
- 16.10.260 Town of South Cle Elum flood prevention ordinance.

- 16.10.270 No net loss of floodplain conveyance.
- 16.10.280 Geologically hazardous areas.
- 16.10.290 Town of South Cle Elum Uniform Building Code.
- 16.10.300 Areas requiring specialized engineering.
- 16.10.302 Geologic hazard report.
- 16.10.305 Uses prohibited in geologically hazardous areas.
- 16.10.310 *Repealed.*
- 16.10.320 Siting of structures on mine hazard areas.
- 16.10.330 Disposal of volcanic ash fallout.
- 16.10.340 Fish and wildlife habitat conservation areas.
- 16.10.350 Riparian habitats.
- 16.10.360 Priority species.
- 16.10.370 Habitats of local importance.
- 16.10.380 Species of local importance.
- 16.10.390 Conservation moneys.
- 16.10.400 Aquifer recharge areas.
- 16.10.410 Hazardous material.
- 16.10.420 Penalties.
- 16.10.430 Notice of violation.
- 16.10.440 Revocation of permits.
- 16.10.450 Warning and disclaimer of liability.

#### **16.10.005 Statutory authorization.**

The legislature of the State of Washington has, in RCW 36.70A.060, mandated local governments who plan under 36.70A.040 to adopt development regulations to ensure the conservation of agricultural, forest, mineral resource lands and to adopt development regulations protecting critical areas designated under RCW 36.70A.170. (Ord. 374 § 1.05, 1995).

#### **16.10.010 Purpose and objectives.**

The purposes of this chapter are to protect ecologically sensitive and hazardous areas as identified in Chapter 7 of the town comprehensive plan, maintain their functions and values and allow for reasonable use of private property. The regulations of this chapter are intended to protect critical areas in accordance with the Growth Management Act and the application of best available science according to WAC 365-195-900 through 365-195-925,

and in consultation with state and federal agencies and other qualified professionals. This chapter is to be administered with flexibility and attention to site-specific characteristics. It is not the intent to make a parcel of property unusable by denying its owner reasonable economic use of the property. This chapter is intended to promote the public health, safety and welfare in specific areas by adopting provisions designed to:

- (1) Protect human life and health;
- (2) Further the public's interest in the conservation and wise use of land;
- (3) Assure the long-term conservation of critical areas;
- (4) Protect critical areas;
- (5) Classify and designate critical areas;
- (6) Develop appropriate regulatory and nonregulatory actions in response;
- (7) Comply with the requirements of the Growth Management Act, Chapter 36.70A RCW. (Ord. 539 § 4 (Att. C), 2013; Ord. 374 § 1.10, 1995).

#### **16.10.020 Definitions.**

(1) "Agriculture" is the grazing and watering of livestock; plowing, seeding, cultivation, harvesting for the production of crops and pasture; soil and water conservation practices; the maintenance of farm or stock ponds, irrigation ditches, drainage ditches, underground drainage systems and farm roads, and the control of noxious weeds.

(2) "Areas with a critical recharging effect on aquifers used for potable water" include areas where an aquifer which is an essential source of drinking water is vulnerable to contamination that would create a significant hazard to public health.

(3) "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

(4) "Buffer" means an area which is an integral part of the stream or wetland ecosystem, or wildlife habitat. Buffers provide shading, input of organic debris, and other factors of a successful environment. A natural vegetative buffer is essential to the protection of these areas. Buffer also means an area which pro-

vides a margin of safety and necessary to minimize risk to public safety, health, welfare or property.

(5) "Critical areas" include the following areas and ecosystems:

- (a) Wetlands;
- (b) Areas with a critical recharging effect on aquifers used for potable water;
- (c) Fish and wildlife habitat conservation areas;
- (d) Frequently flooded areas; and
- (e) Geologically hazardous areas.

(6) "Development" is considered any change in land use activity from its existing use prior to adoption of this chapter, which necessitates any town of South Cle Elum permit or application.

(7) "Erosion" is the natural action to wear away by the forces of water, wind, or glacial ice.

(8) "Erosion hazard areas" are those geologically hazardous areas containing soils which may experience or have experienced a severe to very severe surface erosion process.

(9) "Fish and wildlife habitat conservation areas" include riparian habitat, priority species, and habitats or species of local importance.

(10) "Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of water; and/or
- (b) The unusual and rapid accumulation of runoff or surface water from any source.

(11) The "flood fringe" is the area between the floodway and the boundary of the 100-year floodplain. The flood fringe encompasses the portion of the floodplain that could be completely obstructed without increasing the water-surface elevation of the 100-year floodplain more than one foot at any point.

(12) The "flood protection elevation" is considered under Chapter 15.10 SCEMC, Flood Damage Prevention, to be one foot above the base flood elevation.

(13) The "floodplain" means those lands or areas which are subject to a one percent or greater chance of flooding in any given year or within the 100-year floodplain.

(14) The “floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(15) “Frequently flooded areas” means the 100-year floodplain, which are lands subject to a one percent or greater chance of flooding in any given year.

(16) “Geologically hazardous areas” means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological event, are not suited to the siting of major commercial, residential, or industrial development consistent with public health or safety concerns without proper engineering consideration and design. The term commercial should not be construed to include natural resource activities.

(17) “Groundwater” means all water that exists beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water, whatever may be the geological formation or structure in which such water stands, flows, percolates or otherwise moves.

(18) “Landslide hazard areas” are geologically hazardous areas subject to severe risk of landslide based on a combination of geologic, topographic, and hydrologic factors, including bedrock, soil, slope gradient, slope aspect, geologic structure, groundwater, or other factors.

(19) “Mine hazard areas” are geologically hazardous areas, directly underlain by, adjacent to, or affected by abandoned mine workings such as edits, tunnels, ducts or air shafts with the potential for creating large underground voids susceptible to collapse.

(20) “Native vegetation” means plant species which are indigenous to the area or location in question.

(21) “Priority habitats” are fish and wildlife habitat conservation areas that include a seasonal range or habitat element with which a priority species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.

(22) “Priority species” are those species which the state of Washington, in Chapter 232-12 WAC, has designated as endangered, threatened, or sensitive. They are wildlife species requiring protective measures for their perpetuation due to their population status, their sensitivity to habitat alteration, and/or their recreational importance.

(23) “Riparian habitat” is an area adjacent to rivers, streams or lakes that contains elements of both aquatic and terrestrial ecosystems which mutually influence each other.

(24) “Seismic hazard areas” are geologically hazardous areas subject to risk of earthquake damage.

(25) “Slope” means the natural or graded ground contour that forms a natural or artificial incline.

(26) “Species of local importance” are species that are of local concern because of their population status or their sensitivity to habitat manipulation.

(27) A “stream” is considered any natural flowing water body which is not an irrigation ditch or similar structure.

(28) “Volcanic hazard areas” are geologically hazardous areas that are subject to inundation by pyroclastic flows, lava flows, inundation by debris flows, mudflows, lahars, or related flooding resulting from volcanic activity.

(29) As defined in 36.70A.020 RCW, “wetland” or “wetlands” means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetland, if permitted by the county or town.

(30) “Wetland replacement ratio” refers to the act of providing on-site compensation or mitigation for disturbed wetlands as a result of development. The replacement ratio is the amount of new wetland areas required for those disturbed wetlands. The term is used in SCEMC 16.10.440 in regards to restoration or creation of wetlands equivalent to or greater than those altered in order to compensate for wetland loss. (Ord. 374 § 2, 1995).

#### **16.10.030 Lands to which this chapter applies.**

Those lands within the town of South Cle Elum designated as critical areas according to the town of South Cle Elum comprehensive



plan, critical areas development ordinance, and Chapter 36.70A RCW. (Ord. 374 § 3.05, 1995).

**16.10.040 Land use activities to which this chapter applies.**

The following land use activities shall be subject to and coordinated with the following requirements of this chapter:

(1) Any activity which is not exempt from the a threshold determination under the State Environmental Policy Act, as subject threshold exemptions established in Chapter 16.05 SCEMC.

(2) Any activity which requires approval through a public hearing process under local ordinance.

(3) Building permits.

(4) Clearing, filling, grading, or draining activities.

(5) Conversion of forest land to nonforest land uses.

(6) Long plats.

(7) Replats.

(8) Rezones.

(9) Short plats.

(10) Shoreline substantial development permits.

(11) Shoreline conditional uses.

(12) Shoreline variances.

(13) Zoning conditional use permits. (Ord. 374 § 3.10, 1995).

**16.10.050 Exempt land use activities.**

The following uses are exempt from the critical areas protection permit:

(1) Existing and ongoing agricultural activities.

(2) Existing and ongoing natural resource activities.

(3) Activities involving artificially created habitat, including but not limited to grass-lined swales, irrigation structures and drainage ditches, farm ponds, detention facilities such as ponds, and landscape features, except for wetlands or habitat areas created as mitigation.

(4) Forest practices regulated and conducted in accordance with the provisions of Chapter 76.09 RCW and forest practice regu-

lations Title 222 WAC, and which are exempt from town of South Cle Elum jurisdiction.

(5) Reconstruction as a result of destruction by a natural disaster or disintegration over time, maintenance, or remodeling of structures provided that reconstruction, maintenance, or remodeling does not involve an expansion of facilities when the structures footprint is located within a critical area and/or its buffer. All activities shall comply with Chapter 15.10, Flood Damage Prevention.

(6) Maintenance and repair of public or private utility facilities.

(7) Educational activities, scientific research, and outdoor recreational activities.

(8) Emergencies that threaten the public health, safety and welfare. (Ord. 374 § 3.15, 1995).

**16.10.060 Identification of critical areas – Maps and reference materials.**

(1) Maps.

- Town of South Cle Elum Frequently Flooded Areas Map  
Federal Emergency Management Agency's (FEMA) FIRM and Floodway Maps\*
- Town of South Cle Elum NWI Map  
National Wetlands Inventory Maps\*
- Town of South Cle Elum 4-Tiered Wetlands Rating Map
- Town of South Cle Elum Riparian Corridor Map  
Washington State Department of Fish and Wildlife Priority Habitats and Species Maps\*
- Town of South Cle Elum Geologically Hazardous Areas Map  
Washington State Department of Natural Resources Geologic Hazard Areas Maps\*
- Town of South Cle Elum Soils Map
- Town of South Cle Elum Erosion Hazard Map  
U.S.G.S. Landslide Activity and Slope Maps\*

\* source map

## (2) Manuals and Reference Materials.

- The Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989 Edition)
- Washington State Tier Wetlands Rating System
- U.S. Soil Survey's National Soils Survey Interpretations Handbook

The critical areas maps are used as a general guide to the location and extent of critical areas. Critical areas indicated on the maps are presumed to exist in or near the location shown and are protected under all the provisions of this chapter. These maps shall be amended over time to accurately reflect changes in the critical areas location. These maps are available for review in the Town Hall of South Cle Elum. The critical areas maps are intended to alert the development community, current and prospective landowners of the potential encounter with natural site constraints, which may limit or cause alterations of development plans. (Ord. 374 § 3.20, 1995).

**16.10.070 Basis for protection of critical areas.**

The basis for protection of Critical Areas is contained in 36.70A.060(2) RCW, which requires all cities to adopt development regulations to protect such lands. These regulations are to be reviewed when adopting comprehensive plans under 36.70A.040 and 36.70A.120 RCW. (Ord. 374 § 3.25, 1995).

**16.10.080 Interpretation of chapter and basis for designation of critical area.**

The basis for interpretation of this chapter and designation of critical areas shall be the town of South Cle Elum comprehensive plan, incorporated by reference. The town of South Cle Elum comprehensive plan shall be used as the primary guideline for critical area identification. (Ord. 374 § 3.30, 1995).

**16.10.090 Critical area protection permit required.**

Critical area protection permit is required before commencement of all land use activities within critical areas and their buffers, as

defined in SCEMC 16.10.040. These permits shall be processed concurrently and issued simultaneously with all other development permits and approvals. The critical area protection permit approval shall contain the following:

- (1) Name of individual or agency requesting permit;
  - (2) Date of approval action;
  - (3) Mailing address;
  - (4) Section, township, range and specific lot location;
  - (5) Statement of use for the property;
  - (6) Statement of approval from South Cle Elum;
  - (7) Conditions of approval;
  - (8) Provisions of the ordinance which apply;
  - (9) Findings of the administrator;
  - (10) Statement of appeal procedures;
  - (11) Signature block for administrator.
- (Ord. 374 § 3.35, 1995).

**16.10.100 Application for critical area protection permits.**

Applications for a critical area protection permit shall be made on forms furnished by town of South Cle Elum and may include, but are not limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, amount of fill material, drainage facilities, all significant natural features and the location of the following, if applicable:

As defined herein:

- (1) The location of all wetlands;
- (2) Erosion hazard areas;
- (3) Floodplains, floodways;
- (4) Fish and wildlife habitat conservation areas;
- (5) Geologically hazardous areas;
- (6) Landslide hazard areas;
- (7) Mine hazard areas;
- (8) Seismic hazard areas;
- (9) Streams, rivers, and other similar features. (Ord. 374 § 3.40, 1995).

**16.10.105 Critical areas report requirements.**

The following requirements shall be met by a critical area report submitted with any development application:

(1) The report must be prepared by a qualified professional who has experience and training in the pertinent scientific discipline appropriate for the relevant critical areas subject in accordance with WAC 365-195-905(4);

(2) The report shall be based on best available science as defined by Chapter 365-195 WAC;

(3) The area addressed in the report shall include the project area and all wetlands, shoreline areas, water features, floodplains, other critical areas and related buffers within 300 feet of the project area;

(4) Critical areas will be delineated and their characteristics, quality and extent defined, using current Eastern Washington rating system (Department of Ecology) and the current federal delineation manual (U.S. Army Corps of Engineers);

(5) Critical areas buffers shall be measured from the delineated boundary;

(6) Any impacts to critical areas or their buffers shall be defined and quantified; the report shall contain a discussion of avoidance and mitigation, utilizing mitigation sequencing, and why impacts cannot be avoided;

(7) Compensatory mitigation for impacts that cannot be avoided shall be addressed in the report;

(8) Recommendation for long-term monitoring of mitigation areas shall also be included. (Ord. 539 § 4 (Att. C), 2013).

**16.10.110 Administrative agency.**

The town of South Cle Elum mayor or his/her designee shall serve as the administrator for this chapter. (Ord. 374 § 3.45, 1995).

**16.10.120 Use of other data.**

The administrator may consult with other state, federal and private information sources, to determine the presence of critical areas. The use of other outside data and information either by the administrator or the applicant to verify or dispute the designation and existence of critical areas on any property is permitted. (Ord. 374 § 3.50, 1995).

**16.10.130 Appeal of critical area designation and other discretionary decisions.**

Appeals of the administrator's decision of a critical area designation or other acts of discretionary decision making related to this chapter may be brought to the town of South Cle Elum council. Appeals must be filed with the town of South Cle Elum no more than 10 working days following the date of the written decision of the administrator. The town council shall hear appeals to the administrator's decision at a public meeting no later than the month following the filing of the appeal and issue a decision no more than 10 days from the meeting. The town council's decision shall be considered final and binding. (Ord. 374 § 3.55, 1995).

**16.10.140 Integration of critical areas protection requirements into the State Environmental Policy Act (SEPA).**

The administrator and the applicant are encouraged to incorporate all buffers, required replacement ratios and all other regulatory requirements of critical areas protection into the SEPA process. This is to provide a more coordinated and consistent review of development activities within critical areas. All conditions of approval or other performance standards contained herein may be incorporated in whole or in part to the project's SEPA threshold determination process. (Ord. 374 § 3.60, 1995).

**16.10.150 Wetlands.**

As described in the town of South Cle Elum comprehensive plan, wetlands in town of South Cle Elum are defined in four categories based on the Washington State 4-Tiered Wetland Rating System: Category I (extreme high value), Category II (high value), Category III (average value), Category IV (less than average value). Wetlands have been identified and are located in the Town of South Cle Elum 4-Tiered Wetland Rating System Map and the National Wetlands Inventory Map. (Ord. 374 § 4.00, 1995).

**16.10.160 No net loss of wetland areas.**

Town of South Cle Elum shall require a zero net loss of wetlands acreage, functions and values and, if reasonably possible a gain of those wetlands in the long term. (Ord. 374 § 4.05, 1995).

**16.10.170 Buffer width requirements.**

Wetland buffer requirements apply to all land use activities listed in SCEMC 16.10.040. All wetland buffers shall be measured from the wetland boundary.

Category	Size of Wetland (sq. ft.)	Required Buffer
I	any size	100 – 200 feet
II	over 2,000	50 – 100 feet
III	over 10,000	40 – 80 feet
IV	over 10, 000	25 – 50 feet

(Ord. 374 § 4.10, 1995).

**16.10.180 Wetland buffer ranges.**

The wetland buffer ranges have been established to reflect the impact of certain intense land uses on wetland function and values. The administrator shall base the buffer size on the following criteria:

- (1) The overall intensity of the proposed use;
- (2) The presence of the threatened, endangered, or sensitive species;
- (3) The site's susceptibility to severe erosion;

(4) The use of a buffer enhancement plan by the applicant which uses native vegetation or other measures which will enhance the functions and values of the wetland or buffer. (Ord. 374 § 4.15, 1995).

**16.10.190 Administration of wetland buffer requirements.**

(1) Critical area buffers may be reduced or expanded based on the findings and recommendations of the critical areas report;

(2) Wetland buffers may be increased based on the recommendations of the qualified professional's report;

(3) Wetland buffers may be reduced by up to 25 percent in accordance with an approved critical areas report and the best available science on a case-by-case basis when it is determined that a smaller area is adequate to protect the resource;

(4) Wetland buffer averaging may be utilized based on the critical areas report where the total area of the buffer is the same and the reduction is not more than 50 percent of the required buffer;

(5) Signs and fencing of wetlands may be required as specified in the critical areas report. (Ord. 539 § 4 (Att. C), 2013; Ord. 374 § 4.20, 1995).

**16.10.200 Natural condition of wetland buffer.**

Wetland buffer areas shall be retained in their natural condition or may be improved to enhance buffer functions and values. Where buffer disturbance has occurred during construction, revegetation with native vegetation may be required. The town of South Cle Elum nuisance ordinance shall be adhered to. (Ord. 374 § 4.25, 1995).

**16.10.210 Allowed uses in wetlands and wetland buffer areas.**

The following activities are allowed to occur on wetland and wetland buffer areas: nonmotorized outdoor recreational activities; educational activities; existing and ongoing agricultural activities; maintenance of existing facilities, structures, ditches, roads, bridges and other utility systems. Category III–IV wet-

lands may be used for secondary stormwater management facilities having no reasonable alternative on-site location; provided, there is no significant adverse impact to the functions and values of those wetlands. (Ord. 374 § 4.30, 1995).

**16.10.220 Building setback lines from wetland buffers.**

A building setback line common to a side yard setback requirement of the applicable zoning district is required from the edge of any wetland buffer. Minor intrusions into the area of the building setback may be allowed if the administrator determines that such intrusions will not negatively impact the wetland. The setbacks shall be shown on all site plans submitted with the application. (Ord. 374 § 4.35, 1995).

**16.10.230 Wetland replacement ratios.**

Wetland replacement ratios are expressed in gross area required for replacement. The actual replacement, enhancement or rehabilitation of wetlands shall be determined by the administrator and meet all applicable standards for such. Replacement areas shall be determined according to function, acreage, type, location, time factors, ability to be self sustaining and projected success. Wetland functions and values shall be calculated using the Washington 4-Tiered Wetland Rating System and by a qualified wetland biologist. The following replacement ratios are taken from the Washington State 4-Tier Wetlands Rating System (Washington State Department of Ecology, 1990):

Category of Wetland	Replacement Ratio
I	6:1
II	{ Forested 3:1
	{ Nonforested 2:1
III	1.5:1
IV	1:1

(Ord. 374 § 4.40, 1995).

**16.10.240 Conservation moneys.**

Town of South Cle Elum shall examine the feasibility of enhancement moneys for wetlands. These programs at a minimum should

provide conservation moneys for wetland enhancement, the exemption and/or a reduction of wetlands and their buffers from the usual rate of local property tax, and a penalty system for withdrawal. (Ord. 374 § 4.45, 1995).

#### **16.10.250 Frequently flooded areas.**

Frequently flooded areas means the 100-year floodplain. These areas are identified on the Town of South Cle Elum Frequently Flooded Areas Map and the Federal Emergency Management Agency FIRM and Floodway Maps. (Ord. 374 § 5.00, 1995).

#### **16.10.260 Town of South Cle Elum flood prevention ordinance.**

Town of South Cle Elum flood prevention ordinance No. #285 is hereby adopted by reference as the development regulations for all uses defined in said ordinance and in the town of South Cle Elum comprehensive plan. (Ord. 374 § 5.05, 1995).

#### **16.10.270 No net loss of floodplain conveyance.**

A no net loss of floodplain storage concept shall be incorporated in all new construction in the Yakima River 100-year floodplain. A negligible loss of floodplain storage on these parcels should not exceed 10 cubic yards. If parcel conditions are such that compliance with the section is unreasonable, the administrator may determine the extent to which a development must comply. (Ord. 374 § 5.10, 1995).

#### **16.10.280 Geologically hazardous areas.**

Areas that are susceptible to one or more of the following types of hazards are classified as geologically hazardous areas: areas susceptible to erosion, landslide, earthquake, or other geologic events such as coal mines or volcanic hazard. These areas are identified on the Town of South Cle Elum Geologically Hazardous Areas Map; Washington State Department of Natural Resources Geologic Hazard Areas Maps; Washington State Department of Natural Resources Mine Hazard Area Maps; U.S. Bureau of Land Management Mine Hazard Area Maps; Town of South Cle Elum Soils

Map; Town of South Cle Elum Erosion Hazard Map; U.S.G.S. Landslide Activity and Slope Maps; Uniform Building Code Seismic Risk Zone Maps. (Ord. 374 § 6.00, 1995).

#### **16.10.290 Town of South Cle Elum Uniform Building Code.**

The town of South Cle Elum adopted version of the Uniform Building Code containing provisions for geologically hazardous areas shall apply to all areas identified as such under the town of South Cle Elum comprehensive plan. Those provisions under the adopted Uniform Building Code shall apply as development regulations required under Chapter 36.70A RCW. (Ord. 374 § 6.05, 1995).

#### **16.10.300 Areas requiring specialized engineering.**

Areas identified as high risk erosion/landslide geologic hazard areas may require specialized engineering to ascertain the property is suitable for development purposes. The administrator of this title is authorized to require such engineering. (Ord. 374 § 6.10, 1995).

#### **16.10.302 Geologic hazard report.**

For any construction within 25 feet of the top or toe of any slope over 25 percent, a report will be prepared by a qualified geotechnical engineer or geologist, licensed in the state of Washington, defining the extent of the geologic hazard area, required minimum buffers, and conditions for construction to assure protection of the critical area. (Ord. 539 § 4 (Att. C), 2013).

#### **16.10.305 Uses prohibited in geologically hazardous areas.**

(1) All activities such as mining, construction and logging along the entire length of the slope.

(2) No building or land shall be used and no building shall be constructed, altered or enlarged on slopes in excess of 30 percent. (Ord. 539 § 4 (Att. C), 2013).

**16.10.310 Natural resource based activities.**

*Repealed by Ord. 539. (Ord. 374 § 6.15, 1995).*

**16.10.320 Siting of structures on mine hazard areas.**

Siting of structures on known mine hazard areas should be avoided. (Ord. 374 § 6.20, 1995).

**16.10.330 Disposal of volcanic ash fallout.**

Manual disposal of volcanic ash fallout into any bodies of water shall not be allowed. (Ord. 374 § 6.25, 1995).

**16.10.340 Fish and wildlife habitat conservation areas.**

Fish and wildlife habitat conservation means land management for maintaining species in stable habitats within natural geographic distribution so that isolated sub-

populations are not created. Fish and wildlife habitat conservation areas in the town of South Cle Elum are defined as riparian habitats, priority species, and habitats and species of local importance. These habitats and species are identified on the Town of South Cle Elum Riparian Corridor Map and the Washington State Department of Wildlife Priority Habitat and Species Map. (Ord. 374 § 7.00, 1995).

#### **16.10.350 Riparian habitats.**

(1) Riparian habitat is the riparian corridor of the Yakima River. This habitat is identified on the Town of South Cle Elum Riparian Corridor Map and the Washington State Department of Wildlife Priority Habitat and Species Map.

(2) Performance Standards for Riparian Habitats. A 100- to 325-foot buffer from the ordinary high water mark (OHWM) shall be maintained to protect riparian vegetation and travel corridors.

(a) Criteria for Buffer Ranges. The riparian habitat buffer ranges on the Yakima River have been established to reflect the impact of certain intense land uses on riparian habitat functions and values. The administrator shall base a buffer size on the following criteria:

- (i) Overall intensity of the proposed use;
- (ii) The presence of a threatened, endangered or sensitive species;
- (iii) The shoreline's susceptibility to severe erosion, channel instability, or aggrading;
- (iv) The presence of multiple channels or islands;
- (v) Use by the applicant of a buffer enhancement plan.

(b) Criteria for Buffer Averaging. The administrator may average buffer widths on riparian habitat buffers. Buffer width averaging shall be allowed only where the applicant demonstrates the following exist:

- (i) That averaging is necessary to avoid an extraordinary hardship to the applicant caused by circumstances peculiar to the property;

- (ii) That the riparian habitat contains variations in sensitivity due to existing physical characteristics;

- (iii) That the proposed use would be located adjacent to areas where buffer width is reduced, and that such land uses are low in impact;

- (iv) That buffer width averaging will not adversely impact riparian habitat functions and values.

(c) Natural Condition of Riparian Habitat Buffer. Riparian habitat buffer areas shall be retained in their natural condition or may be improved to enhance buffer functions and values. Where buffer disturbance has occurred during construction, revegetation with native vegetation may be required. Town of South Cle Elum nuisance ordinance shall be adhered to.

(d) Allowed Uses in the Riparian Corridor and Buffer. Exempt land use activities; activities deemed by the administrator to be consistent with the purpose and function of the habitat buffer and do not cause a significance adverse impact to the habitat and its buffer based on sensitivity of the habitat. (Ord. 374 § 7.05, 1995).

#### **16.10.360 Priority species.**

(1) Priority species are those species which the state of Washington, in Chapter 232-12 WAC, has designated as endangered, threatened, or sensitive. These species are identified on the Town of South Cle Elum Riparian Corridor Map and the Washington State Department of Wildlife Priority Habitat and Species Map.

(2) Performance Standards for Areas with Threatened, Endangered and Sensitive Priority Species – Area of Review. For an occurrence of a threatened, endangered and sensitive priority species within a parcel boundary subject to SCEMC 16.10.040, the applicant shall consult with the Washington State Department of Fish and Wildlife to determine if a site-specific habitat management plan is necessary to protect this species. If necessary, the applicant shall prepare a habitat management plan which will protect that species' habitat requirements. The habitat management plan shall take guid-



ance from the most current edition of the Washington State Department of Fish and Wildlife priority habitats and species management guidelines. The habitat management plan shall be subject to approval by the administrator. (Ord. 374 § 7.10, 1995).

#### **16.10.370 Habitats of local importance.**

(1) These habitats should be identified and nominated by residents of the town to the town of South Cle Elum council.

(2) Performance Standards for Habitats of Local Importance.

(a) Habitats of Local Importance Nomination Criteria.

(i) A seasonal range or habitat element which if altered may reduce the likelihood that the species will maintain or reproduce over the long term; or

(ii) Area of high relative density or species richness, breeding habitat, winter range and/or movement corridors; or

(iii) Habitat with limited availability or high vulnerability to alteration.

(b) At the time of adoption of a habitat of local importance, the town of South Cle Elum shall also adopt performance standards based on recommendation by appropriate state agencies. (Ord. 374 § 7.15, 1995).

#### **16.10.380 Species of local importance.**

(1) These species should be identified and nominated by residents of the town to the town of South Cle Elum council.

(2) Performance Standards for Species of Local Importance.

(a) Species of Local Importance Nomination Criteria.

(i) Concern due to population status; or

(ii) Sensitivity to habitat manipulation.

(b) At the time of adoption of a species of local importance, the town of South Cle Elum shall also adopt performance standards based on recommendation by appropriate state agencies. (Ord. 374 § 7.20, 1995).

#### **16.10.390 Conservation moneys.**

Town of South Cle Elum shall examine the feasibility of enhancement moneys for fish and wildlife habitat conservation areas. These programs at a minimum should provide conservation moneys for habitat enhancement, the exemption and/or reduction of habitats and their buffers from the usual rate of local property tax, and a penalty system for withdrawal. Lastly, the programs should have an element for land owners who may volunteer to provide fish and wildlife habitat conservation areas if they are not required to do so, and receive benefits as outlined in this proposal. (Ord. 374 § 7.25, 1995).

#### **16.10.400 Aquifer recharge areas.**

Most town of South Cle Elum critical aquifer recharge locations are not specifically identified at this time. Details of the substructure of aquifers are sometimes either difficult or expensive to determine. The services of a professional hydro-geologist are required to properly assess specific aquifer recharge risk areas and design methods to minimize the risks to potable water sources. Based on the susceptibility and vulnerability matrix contained in the town of South Cle Elum comprehensive plan, aquifers and their susceptibility to contamination may be determined. Protection standards may be required by the administrator to protect from impacts of hazardous materials or contamination. (Ord. 374 § 8.00, 1995).

#### **16.10.410 Hazardous material.**

Proposals falling under the provisions of SCEMC 16.10.040 and which process, stockpile, store, receive, transport, discharge, or produce any chemical or organic product which may contaminate ground or surface water shall submit a hazardous materials plan, in consultation with the Kittitas County health and solid waste departments. At a minimum, the hazardous waste plan shall include:

(1) A description of operations and identify hazardous materials which may be used with the proposal;

(2) Description of how hazardous materials will be handled on site;

(3) Description of containment for hazardous material;

(4) A site map showing the location of the facility, property boundaries, locations of hazardous materials, and other features of the site;

(5) Secondary containment for waste water, fuels, and other materials deemed by the Kittitas County health department, solid waste department, and fire marshal to pose a significant adverse impact on ground or surface water;

(6) The use of monitoring to ensure that the hazardous materials do not leak or contaminate ground or surface water;

(7) The use of settling ponds, restrictions on off-site discharge, biofiltration or other methods deemed by the Kittitas County health and solid waste departments necessary to prevent a significant adverse impact on ground or surface water;

(8) Setbacks for materials considered by Kittitas County health and solid waste departments to pose a significant adverse impact on ground or surface water. (Ord. 374 § 8.05, 1995).

#### **16.10.420 Penalties.**

Any person who engages in work at a project site within a critical area, and

(1) Fails to obtain critical area protection permit or any other development permit or authorization when required pursuant to this chapter; or

(2) Fails to comply with any permit condition required pursuant to this chapter; shall be guilty of a civil offense and may be fined a sum not to exceed \$1,000 for each offense. Each day of site work in conjunction with any of the above violations shall constitute a separate offense. (Ord. 374 § 9.00, 1995).

#### **16.10.430 Notice of violation.**

In the event any person violates any of the provisions of this chapter, the administrator shall issue a notice of violation to be delivered to the owner, operator, or to be conspicuously posted at the site and order all work to cease until authorized to proceed. Failure to comply with the order to stop work shall be a gross misdemeanor punishable upon conviction by a

minimum fine of \$500.00 up to a maximum fine of \$1,000 or one year in jail, or both. (Ord. 374 § 9.05, 1995).

#### **16.10.440 Revocation of permits.**

In addition to other penalties provided, the town of South Cle Elum may suspend or revoke a permit if it is found that the applicant or permittee has not complied with any or all of the conditions and limitations set forth in the permit, has exceeded the scope of the work set forth in the permit, or has failed to undertake the project in the manner set forth in the approved application. (Ord. 374 § 9.05, 1995).

#### **16.10.450 Warning and disclaimer of liability.**

The degree of hazard protection required by this chapter is considered reasonable for mandatory regulatory purposes under Chapter 36.70A RCW. Natural disasters can, and will, occur on rare occasions. This title does not imply that land outside the designated critical areas or activities permitted within such areas will be free from exposure or damage. This chapter shall not create liability on the part of the town of South Cle Elum, and officers or employees thereof, for any damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. 374 § 10.00, 1995).

**Chapter 16.15**

**SHORELINES**

Sections:

16.15.010 Adopted by reference.

**16.15.010 Adopted by reference.**

The shoreline master program approved pursuant to Ordinance No. 620 is hereby adopted by this reference and incorporated as though fully set forth herein. A copy of the shoreline master program, as amended, is on file in the town offices. (Ord. 620 § 4, 2022; Ord. 554 § 1, 2015).

## **Title 17**

### **ZONING**

#### **Chapters:**

- 17.05 General Provisions**
- 17.10 Definitions**
- 17.15 Mixed Residential (MR)**
- 17.20 Downtown Business District (DBD)**
- 17.22 Historic Depot Commercial District (HD CD)**
- 17.25 Light Industrial District (LID)**
- 17.27 Gateway Zone (G)**
- 17.30 One-Half Acre – Urban Residential (UR 1/2)**
- 17.35 One to Five Acres – Urban Residential (UR1-5)**
- 17.40 Over Five Acres – Urban Residential (UR5+)**
- 17.45 Planned Unit Development (PUD)**
- 17.50 Conditional Uses**
- 17.52 Short-Term Residential Rentals**
- 17.55 Variances**
- 17.60 Nonconforming Uses, Structures and Lots**
- 17.65 *Repealed***
- 17.70 Sign Code**

**Chapter 17.05****GENERAL PROVISIONS**

## Sections:

- 17.05.010 Purpose.
- 17.05.020 Interpretation.
- 17.05.030 Applicability.
- 17.05.040 Validity.
- 17.05.050 Appeals to the town council.
- 17.05.060 Violations and penalties.
- 17.05.070 Building official.
- 17.05.080 Compliance with provisions.
- 17.05.090 Applications.
- 17.05.100 Permits and fees.
- 17.05.110 Public participation in  
amendments to comprehensive  
plan or development regulations.

**17.05.010 Purpose.**

The purpose of this title is to provide a basic tool needed by the town to implement its comprehensive plan for long-range development, to provide for safety, health and public welfare and protection of life and property. (Ord. 361 § 1, 1992).

**17.05.020 Interpretation.**

The provisions of this title shall be deemed to be the minimum requirements for the promotion of public health, safety, comfort, convenience and the general welfare. To the extent that this title imposes greater restrictions than other codes, rules or private agreements, the provisions of this title shall govern. (Ord. 361 § 2, 1992).

**17.05.030 Applicability.**

This title shall apply to all construction and alteration within the town and to all buildings and structures moved into or within the town, on and after the effective date of the ordinance codified in this title. (Ord. 361 § 4, 1992).

**17.05.040 Validity.**

If any part of this title be held invalid or unconstitutional by a court, such decision shall not affect the validity of the remainder of this title. (Ord. 361 § 5, 1992).

**17.05.050 Appeals to the town council.**

Any interested citizen or builder may appeal to the council pertaining to the granting or denial of any permit, variance, conditional use or suspension of any work. (Ord. 361 § 6, 1992).

**17.05.060 Violations and penalties.**

Any person, firm or corporation judged guilty of violating, disobeying, omitting, neglecting or refusing to comply with the provisions of this title shall be fined in a sum not to exceed \$5,000. (Ord. 361 § 7, 1992).

**17.05.070 Building official.**

The town building official shall be that person designated by motion or resolution of the council. The building official shall inspect all buildings or structures during construction or moving to see that the provisions of the law and ordinances are complied with and that construction is prosecuted safely. Whenever in his opinion, by reason of defective or illegal work there is a violation of any code or ordinance contrary to public welfare, he may order all further work to be stopped and may require suspension of work until the condition in violation has been remedied. (Ord. 361 § 8, 1992).

**17.05.080 Compliance with provisions.**

(1) Compliance. No structure or lot shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged or altered except in compliance with the provisions of this title or with approval, a variance or conditional use permit from the council.

(2) Maintenance of Minimum Ordinance Requirements. No lot area, yard or other open space existing on or after the effective date of the ordinance codified in this title shall be reduced in area, dimension or size, nor shall any lot area, yard or other open space which is required by this title for one use, be used as the lot area, yard or other open space requirement for any other use without approval, a variance or conditional use permit from the council. (Ord. 361 § 9, 1992).

**17.05.090 Applications.**

The council shall prescribe the form for applications for variances and conditional use permits. When an application for rezoning, variance or conditional use permit has been rejected, the council shall not be obliged to hear the same application, or substantially the same application, more often than once each six months. (Ord. 361 § 10, 1992).

**17.05.100 Permits and fees.**

(1) Permits. Any use authorized by permit, variance or conditional use granted under this title shall become null and void unless commenced within one year of the date issued or such time period as may be specified by conditions therein. No building or structure shall be built, enlarged, altered or moved without a permit from the town building official, who may require a plan of the proposed work, together with a statement of the materials to be used. Applications for building permits shall be submitted, along with the permit fee, to the town clerk-treasurer. Any permit, variance or conditional use may be revoked on any one or more of the following grounds:

(a) Approval of the permit, variance or conditional use was obtained by fraud or misrepresentation.

(b) The use for which such approval was granted was obtained by fraud or misrepresentation.

(c) The use for which approval was granted has ceased for at least six months.

(d) The permit, variance or conditional use for which approval was granted is being exercised in violation of the terms or conditions of the permit, variance or conditional use or in violation of any law or applicable regulations.

(e) The use for which approval is granted is detrimental to public health.

(2) Revocation of Permits. Permits and variances may be revoked by the council after a public hearing or by the building official.

(3) Continuation of Permits. Permits and variances granted prior to the adoption of this title shall be continued so long as other applicable code requirements are met.

(4) Conditional Use Permits. Conditional use permits will be reviewed by the council yearly before reissuing town business licenses.

(5) Fees. The town council is authorized to adopt and establish a fee schedule by resolution for town costs in reviewing and processing all permit applications covered by this chapter. In addition, all development permit applicants shall be responsible for reimbursing the town for consultant costs incurred by the town in review development permits as stated in subsection (7) of this section.

(6) Notwithstanding any provisions herein to the contrary, signs proposed by any local, state, federal or other governmental agency for placement within the town for governmental purposes shall be a use authorized in all zoning districts within the town by permit issued by the town council following review and conditioning of any proposed sign on a case-by-case basis.

(7) Costs for planning, engineering, legal (including town attorney services) or other professional services, which services are performed by an independent contractor for the town for the processing and/or review of a development permit application, shall be reimbursed by the applicant in addition to the basic permit fee. The applicant shall be responsible for reimbursement of costs plus a 10 percent administrative fee. In addition, any consultant costs incurred in permit inspection services shall also be borne by the applicant. Consultant costs shall only be reimbursable to the extent that they exceed costs already factored into the basic permit fee.

(a) The applicant may request that the town clerk or other town staff person designated by the mayor estimate the costs the town will incur in the review of the application.

(b) Reimbursements made by the applicant to the town shall be due within 21 days of the town's delivery of an invoice to the applicant unless an alternate payment schedule is agreed to in writing by the town clerk and the applicant. No permits shall be issued, approvals of any type made, or any review conducted on the application until the fee is paid.

(c) Permit processing shall be suspended during any delinquency period and no

permits shall be issued until all sums due under this section are fully paid. (Ord. 631 §§ 1, 2, 2022; Ord. 469 Exh. A, 2006; Ord. 458 § 1, 2005; Ord. 361 § 11, 1992).

**17.05.110 Public participation in amendments to comprehensive plan or development regulations.**

(1) Purpose. The purpose of this chapter is to establish an annual process for persons to propose amendments to the county's comprehensive plan adopted pursuant to the Growth Management Act, Chapter 36.70A RCW, and to the town's development regulations. The procedures in this chapter are not a substitute for the town's land use permitting procedures.

(2) Town Council Determination on Annual Review. Each year, the town council will determine whether a review of the comprehensive plan, comprehensive plan map, zoning map and/or development regulations is necessary and if so, will establish by resolution a schedule and public participation program to involve the public in the review and update of the town's comprehensive plan and/or development regulations. Included in the resolution will be the town's proposed comprehensive plan or development regulation amendments and the procedure by which the public may propose amendments. The process shall provide for broad dissemination of proposals and alternatives, opportunity for written comment, public meetings after effective public notice, open discussion and consideration and response to public comments. At a minimum, notice of the resolution shall be given by publication in the official town newspaper on the first available date following adoption. If the council determines not to conduct an annual review, it will state the reason for its decision. Nothing in this chapter shall preclude the council from enacting emergency amendments to the comprehensive plan or amending the development regulations more than once per year.

(3) Concurrent Consideration of Plan Amendments. All proposed amendments to the comprehensive plan shall be considered concurrently so that the cumulative effect of the amendments can be determined.

(4) Consistency Requirements. All amendments to the comprehensive plan shall be consistent with the Growth Management Act, the Kittitas County-wide planning policy and the remaining provisions of the comprehensive plan. Any amendments to development regulations shall be consistent with the comprehensive plan. (Ord. 469 Exh. A, 2006).

**Chapter 17.10****DEFINITIONS**

## Sections:

17.10.005 Generally.  
17.10.010 Alley.  
17.10.020 Apartment.  
17.10.030 Apartment hotel.  
17.10.040 Area, building.  
17.10.050 Area, gross building, or area, gross floor.  
17.10.060 Boarding house.  
17.10.070 Building.  
17.10.080 Building, accessory.  
17.10.090 Building, nonconforming.  
17.10.100 Building, principal.  
17.10.110 Carport.  
17.10.120 Clinic.  
17.10.130 Commission.  
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**17.10.005 Generally.**

Certain words and terms used in this title are defined in this chapter. Words not defined shall be presumed to have common and universally accepted dictionary meanings. (Ord. 361 § 3, 1992).

**17.10.010 Alley.**

“Alley” means a public thoroughfare or a private way which is permanently reserved, serving as a secondary means of access to abutting property. (Ord. 361 § 3, 1992).

**17.10.020 Apartment.**

“Apartment” means a room or suite of rooms comprising part of a building which contains living, cooking, sleeping and bathroom facilities and is suitable for occupancy by one family. (Ord. 361 § 3, 1992).

**17.10.030 Apartment hotel.**

“Apartment hotel” means a hotel intended for occupancy by nontransient guests and containing apartments which can be occupied with



or without customary hotel service. (Ord. 361 § 3, 1992).

**17.10.040 Area, building.**

“Building area” means the area encompassed within the walls of a building. (Ord. 361 § 3, 1992).

**17.10.050 Area, gross building, or area, gross floor.**

“Gross building area or gross floor area” means the total area of all floors within the walls of a building. (Ord. 361 § 3, 1992).

**17.10.060 Boarding house.**

“Boarding house” means a dwelling in which sleeping rooms are furnished and meals are provided for compensation to nontransient guests. The terms “rooming house” and “lodging house” are synonymous, for the purposes of the title, with “boarding house.” (Ord. 361 § 3, 1992).

**17.10.070 Building.**

“Building” means a structure having walls and a roof and used to shelter people, animals or property of any kind. Mobile homes, trailers and similar structures designed for transportation, after fabrication, on streets and highways on its own wheels or on flat bed or other trailers, and arriving at the site where it is to be occupied, complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other foundations or permanent foundations, connection to utilities and the like are not to be considered “buildings” within the scope of this definition. (Ord. 361 § 3, 1992).

**17.10.080 Building, accessory.**

“Accessory building” means a building of secondary importance on a lot, such as a garage or shed. (Ord. 361 § 3, 1992).

**17.10.090 Building, nonconforming.**

“Nonconforming building” means a building which was lawfully designed and constructed prior to the adoption of this title, but which does not conform to present regulations of this title. (Ord. 361 § 3, 1992).

**17.10.100 Building, principal.**

“Principal building” means a building which contains the primary use of the lot on which it is located. There is only one principal building on any lot. (Ord. 361 § 3, 1992).

**17.10.110 Carport.**

“Carport” means a covered shelter for one or more automobiles which is open on at least two sides. (Ord. 361 § 3, 1992).

**17.10.120 Clinic.**

“Clinic” means a building in which medical or dental services are provided for treatment of human outpatients. (Ord. 361 § 3, 1992).

**17.10.130 Commission.**

“Commission” means the planning commission of the town. (Ord. 361 § 3, 1992).

**17.10.140 Comprehensive plan.**

“Comprehensive plan” means the policies and proposals prepared by a consultant in conjunction with the commission and adopted by the council, to guide the physical development of the town, to facilitate coordination of town programs and services and to promote general welfare. (Ord. 361 § 3, 1992).

**17.10.145 Containers.**

“Containers” includes standardized reusable vessels, referred to and referenced in this chapter, for regulatory purposes, as intermodal shipping containers, that were designed for packing, shipping, movement or transportation of freight, articles, goods; and/or originally designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on chassis or similar transport device. (Ord. 627 § 1, 2022).

**17.10.150 Council.**

“Council” means the council of the town. (Ord. 361 § 3, 1992).

**17.10.160 Day care home.**

“Day care home” means a dwelling, licensed by the Washington State Department of Social and Health Services, in which care to children is provided. The provider may have

on the premises at any one time six children, birth through 11 years; or when an assistant is present eight children birth through 11 years of age. (Ord. 379, 1995; Ord. 361 § 3, 1992).

**17.10.170 Density.**

- (1) Low density: 20,000 square feet.
- (2) Medium density: 10,000 square feet.
- (3) High density: 5,000 square feet. (Ord. 379, 1995; Ord. 361 § 3, 1992).

**17.10.175 Drinking establishment.**

“Drinking establishment” means an establishment, other than a restaurant, licensed to sell alcoholic beverages for consumption on premises; that limits patronage to adults of legal age for the consumption of alcohol; in which limited food service may be accessory to the service of alcohol. Drinking establishments may include but are not limited to taverns, saloons, bars, pubs, or cocktail lounges. (Ord. 582 § 1 (Att. 1), 2017).

**17.10.180 Driveway.**

“Driveway” means that area of any property designed for vehicular ingress and egress to and from such property, including any such area as shall have been prepared for the parking or storage of vehicles or recreational vehicles as defined in this title. (Ord. 361 § 3, 1992).

**17.10.190 Dwelling, duplex.**

“Duplex dwelling” means a building containing two dwelling units, constructed side by side or superimposed. (Ord. 361 § 3, 1992).

**17.10.200 Dwelling, multiple.**

“Multiple dwelling” means a building containing three or more dwelling units. See “Apartment building.” (Ord. 361 § 3, 1992).

**17.10.210 Dwelling unit.**

“Dwelling unit” means a suite of one or more rooms containing sleeping, bathing and kitchen facilities for occupancy by one family. (Ord. 361 § 3, 1992).

**17.10.220 Family.**

“Family” means one or more persons who live in one dwelling unit and maintain one household. Any number of such persons, related by blood or marriage, constitutes a family. However, not more than five such persons, when not related by blood or marriage, constitutes a family. (Ord. 361 § 3, 1992).

**17.10.230 Floor area ratio.**

“Floor area ratio” means the gross floor area of a building divided by the area of its lot. (Ord. 361 § 3, 1992).

**17.10.240 Garage.**

“Garage” means an enclosed shelter for automobiles. A private garage is an accessory use reserved to occupants of the principal building. A public garage is available to the public for parking, purchase of automotive products and minor servicing such as lubrication, washing and tire changing. (Ord. 361 § 3, 1992).

**17.10.250 Greenbelt.**

“Greenbelt” means a cultivated screen to create permanent visual separation between dissimilar land uses. (Ord. 361 § 3, 1992).

**17.10.260 Guest house.**

“Guest house” means a sleeping room with or without bathroom facilities, but not allowing kitchen facilities. (Ord. 361 § 3, 1992).

**17.10.270 Height of building.**

“Height of building” means the vertical distance from the grade to:

- (1) The highest point of the coping of a flat roof;
  - (2) The highest point of a mansard roof;
  - (3) The ridge of a gabled or tripped roof.
- (Ord. 361 § 3, 1992).

**17.10.280 Home occupation.**

“Home occupation” means a business carried on within a dwelling unit by a member of the occupying family, which is secondary to the residential use of the unit and does not affect its external appearance. The term includes businesses which generate little traffic or noise. (Ord. 361 § 3, 1992).

**17.10.290 Hotel.**

“Hotel” means a building containing not less than six sleeping rooms, together with bathing facilities for paying guests. A hotel may include rooms for dining, meetings, shops, recreation and other purposes. (Ord. 361 § 3, 1992).

**17.10.300 Junkyard.**

“Junkyard” means a place where odds and ends, waste, discarded or salvaged materials are brought, sold, exchanged or handled. (Ord. 361 § 3, 1992).

**17.10.310 Kennel.**

“Kennel” means a place where three or more adult dogs or other tamed animals are kept. A private kennel is maintained by the owner of the animals for use and enjoyment. A commercial kennel is maintained to board, breed or treat the animals for profit. (Ord. 361 § 3, 1992).

**17.10.320 Lot.**

“Lot” means a parcel of land described by reference to a recorded plat, metes and bounds, section, township and range. Two or more lots under one ownership and developed as a single unit of property are, for the purposes of this title, one lot. (Ord. 361 § 3, 1992).

**17.10.330 Lot, corner.**

“Corner lot” means a lot which has frontage on two intersecting streets, other than an alley, at their intersection. (Ord. 361 § 3, 1992).

**17.10.340 Lot coverage.**

“Lot coverage” means that portion of a lot covered by buildings, and expressed as a percentage of the total area of the lot. (Ord. 361 § 3, 1992).

**17.10.350 Lot line, front.**

“Front lot line” means the property line separating the lot from the street other than an alley. In the case of a corner lot, the shortest property line along a street, other than an alley. (Ord. 361 § 3, 1992).

**17.10.360 Lot, interior.**

“Interior lot” means any lot other than a corner lot. (Ord. 361 § 3, 1992).

**17.10.370 Lot line, rear.**

“Rear lot line” means a property line which is opposite and most distant from the front lot line. (Ord. 361 § 3, 1992).

**17.10.380 Lot line, side.**

“Side lot line” means any property line not a front or rear lot line. (Ord. 361 § 3, 1992).

**17.10.390 Lot, through.**

“Through lot” means a lot with frontage on two streets, parallel or nearly parallel. (Ord. 361 § 3, 1992).

**17.10.400 Lot width.**

“Lot width” means the average horizontal distance between the side lot lines, ordinarily measured at the front building line and perpendicular to the lot depth. (Ord. 361 § 3, 1992).

**17.10.410 Mobile home.**

“Mobile home” means a manufactured or factory-built home, portable structures mounted on or designed for mounting on wheels or transported by trailer, or a trailer, used for residential purposes and having at least 1,000 square feet of enclosed living area. (Ord. 379, 1995; Ord. 361 § 3, 1992).

**17.10.420 Mobile home park.**

“Mobile home park” means a tract of land, developed and operated as a unit, with lots, roads, utilities, recreational areas and facilities, to accommodate mobile homes on an extended rental basis. (Ord. 361 § 3, 1992).

**17.10.430 Motel.**

“Motel” means a hotel designed for automotive transients and providing parking space for each guest in close proximity to bedroom or suite. (Ord. 361 § 3, 1992).

**17.10.440 Parking.**

“Parking” means the stationary placement of any vehicle for a continuous period of less than 72 hours. (Ord. 361 § 3, 1992).

**17.10.450 Parking space.**

“Parking space” means an off-street, hard-surfaced area at least eight and one-half feet wide and 20 feet long and with easy access to such street for the parking of one automobile. (Ord. 361 § 3, 1992).

**17.10.460 Planned unit development (PUD).**

“Planned unit development (PUD)” means an orderly grouping of dwellings, open space and recreational facilities and business uses so planned as to provide a coordinated living environment. (Ord. 361 § 3, 1992).

**17.10.470 Professional office.**

“Professional office” means a building in which services are offered for profit by doctors, dentists, lawyers, architects, engineers, accountants or persons engaged in other similar occupations. (Ord. 361 § 3, 1992).

**17.10.480 Recreational vehicle.**

“Recreational vehicle” means a licensable vehicle, self-propelled or otherwise, designed to temporarily shelter persons, which vehicle is not more than eight feet in width. This includes, but is not limited to, travel trailers, motor homes, campers and buses. (Ord. 361 § 3, 1992).

**17.10.490 Street.**

“Street” means a public right-of-way for roadway, sidewalk and utility installation. (Ord. 361 § 3, 1992).

**17.10.500 Structure.**

“Structure” means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Structures include buildings, mobile homes, walls and fences. (Ord. 361 § 3, 1992).

**17.10.510 Trailer.**

“Trailer” means:

(1) A vehicle designed for short-term living and small enough to be towed by a standard automobile. (This term is frequently misused to denote a mobile home.)

(2) A vehicle designed to transport animals or property of any kind when towed by an automobile or truck. (Ord. 361 § 3, 1992).

**17.10.520 Trailer park.**

“Trailer park” means a tract of land with easy access to highways developed as a unit with lots, roads and utilities to accommodate travel trailers, campers and similar vehicles on a short-term rental basis. (Ord. 361 § 3, 1992).

**17.10.530 Use.**

“Use” means a classification of purpose to which lands may be put or for which a building is designed. (Ord. 361 § 3, 1992).

**17.10.540 Use, conditional.**

“Conditional use” means an exceptional use of land authorized by the council subject to special conditions of use laid down by the council. (Ord. 361 § 3, 1992).

**17.10.550 Use, nonconforming.**

“Nonconforming use” means a use of land or building which was being lawfully conducted prior to the adoption of this title, but which does not conform to present regulations of this title in respect to uses now permitted. (Ord. 361 § 3, 1992).

**17.10.560 Use, principal.**

“Principal use” means the primary use of a lot of which there is only one per lot. (Ord. 361 § 3, 1992).

**17.10.570 Variance.**

“Variance” means an exception to the regulations of this title, requested by a property owner and granted by the council. (Ord. 361 § 3, 1992).

**17.10.580 Vehicle.**

“Vehicle” means every device capable of being moved on a public highway and in, upon or by which any persons or property is or may be transported or drawn upon a public highway. (Ord. 361 § 3, 1992).

**17.10.590 Vehicle storage.**

“Vehicle storage” means the stationary placement of any vehicle or recreational vehicle for a continuous period in excess of 72 hours. (Ord. 361 § 3, 1992).

**17.10.600 Yard.**

“Yard” means open space on a lot which surrounds the principal building and is subdivided into front, rear and side yards whose minimum widths are regulated to prevent overcrowding of the land. (Ord. 361 § 3, 1992).

**17.10.610 Yard, front.**

“Front yard” means that part of the yard which lies between the front lot line, the side lot lines and the front line of the principal building. (Ord. 361 § 3, 1992).

**17.10.620 Yard, rear.**

“Rear yard” means that part of the yard which lies between the rear lot line, the side lot lines and the rear line of the principal building. (Ord. 361 § 3, 1992).

**17.10.630 Yard, side.**

“Side yard” means that part of the yard which lies between a side lot line, the rear lot line of the front yard, the side line of the principal building and the front line of the rear yard. There are two such side yards. (Ord. 361 § 3, 1992).

**17.10.640 Zone.**

“Zone” means one of the classifications of permitted use into which the land area of the town is divided such as mixed residential, central business district and light industrial. (Ord. 361 § 3, 1992).

**17.10.650 Zoning district.**

“Zoning district” means a part of a zone, shown on the zoning map, with specific boundaries and designation of its zoning classification. (Ord. 361 § 3, 1992).

**17.10.660 Zoning map.**

“Zoning map” means the official map which illustrates and delineates boundaries of the various zoning districts. The zoning map is on file in the office of the town clerk-treasurer. (Ord. 361 § 3, 1992).

**Chapter 17.15****MIXED RESIDENTIAL (MR)****Sections:**

- 17.15.010 Principal uses.
- 17.15.020 Secondary uses.
- 17.15.030 Conditional uses.
- 17.15.040 Minimum lot size.
- 17.15.045 Location criteria for duplexes.
- 17.15.050 Maximum lot coverage.
- 17.15.060 Minimum open space.
- 17.15.070 Maximum height.
- 17.15.080 Setbacks.
- 17.15.090 Requirement to connect to town water and sewer systems.
- 17.15.100 Parking.
- 17.15.110 Protection of critical areas.
- 17.15.120 Shoreline permits.
- 17.15.130 Outdoor lighting.
- 17.15.140 Binding site planning.

**17.15.010 Principal uses.**

- (1) Single-family dwelling unit.
- (2) Duplex dwelling unit. (Ord. 539 § 1 (Att. A), 2013; Ord. 361 § 12, 1992).

**17.15.020 Secondary uses.**

- (1) Accessory buildings. (Ord. 361 § 12, 1992).

**17.15.030 Conditional uses.**

- Subject to the approval of the council:
- (1) Bed and breakfast rooms and inns.
  - (2) Boarding houses.
  - (3) Churches (new churches and additions exceeding 30 percent of the existing floor space).
  - (4) Day care centers.
  - (5) Factory-built housing in compliance with Chapter 15.15 SCEMC.
  - (6) Foster and/or group homes.
  - (7) Home occupations.
  - (8) Nursery, greenhouse.
  - (9) Public facilities.
  - (10) Radio transmitting and satellite signal receiving antennas over 3.28 feet in diameter.

(11) Containers/units that are located on a site for more than six months. (Ord. 627 § 2, 2022; Ord. 539 § 1 (Att. A), 2013; Ord. 379, 1995; Ord. 361 § 12, 1992).

**17.15.040 Minimum lot size.**

(1) Single-family dwelling lots shall have a minimum of 6,000 square feet.

(2) Duplex lots shall have a minimum of 10,000 square feet and are subject to location criteria in SCEMC 17.15.045. (Ord. 539 § 1 (Att. A), 2013; Ord. 361 § 12, 1992).

**17.15.045 Location criteria for duplexes.**

No more than one duplex shall be built on a block face. (Ord. 539 § 1 (Att. A), 2013).

**17.15.050 Maximum lot coverage.**

Single-family and duplex dwelling units shall not exceed 35 percent of the lot area. (Ord. 539 § 1 (Att. A), 2013; Ord. 361 § 12, 1992).

**17.15.060 Minimum open space.**

Single-family and duplex dwelling units shall maintain a minimum of 40 percent of the lot area as open space, free of structures or buildings. (Ord. 539 § 1 (Att. A), 2013; Ord. 361 § 12, 1992).

**17.15.070 Maximum height.**

No dwelling, building or structure shall be more than 35 feet high, and shall not be more than two stories in height. (Ord. 361 § 12, 1992).

**17.15.080 Setbacks.**

(1) Street or front: 20 feet.

(2) Side yard: five feet.

(3) Rear yard: 20 feet.

(4) Corner Lot. Where a property sideline abuts a street, the building shall be no less than 15 feet distant from such side line.

(5) Accessory buildings in the rear yard shall not be less than five feet distant from the rear and side property lines.

(6) The projection of any structures or appendages shall be the distance measured horizontally from the property line to the outermost point of projection. (Ord. 379, 1995; Ord. 361 § 12, 1992).

**17.15.090 Requirement to connect to town water and sewer systems.**

All development is required to be served by the town's public water system and sewage system. (Ord. 361 § 12, 1992).

**17.15.100 Parking.**

All single-family and duplex dwellings shall provide two off-street parking spaces per each residence or dwelling unit. (Ord. 539 § 1 (Att. A), 2013; Ord. 361 § 12, 1992).

**17.15.110 Protection of critical areas.**

All development in this zone shall be subject to the town's critical areas regulations in Chapter 16.10 SCEMC. (Ord. 539 § 4 (Att. C), 2013; Ord. 379, 1995; Ord. 361 § 12, 1992).

**17.15.120 Shoreline permits.**

Required for development along the Yakima River within the jurisdictional boundaries of the town of South Cle Elum. (Ord. 361 § 12, 1992).

**17.15.130 Outdoor lighting.**

Outdoor lighting is permitted as follows:

(1) Lighting installed by the town government or installed as a result of agreement among the residents affected.

(2) Any lighting from incandescent bulbs of 150 watts or less; provided, that spot or flood lamps on any particular property are aimed at points within that property.

(3) Any lighting shielded in such a way that the illumination of adjoining property is no greater than from an ordinary 150 watt incandescent bulb (not a spot or flood light) installed in the same place.

(4) Any lighting at least 200 feet from any residence on other property, provided it does not cause unreasonable interference to adjacent neighbors.

(5) No outdoor lighting shall be installed in the town right-of-way without permission from the town.

(6) Any other lighting which causes no denial of any reasonable use or enjoyment of property by a person other than the owner of the lighting. (Ord. 361 § 12, 1992).

#### **17.15.140 Binding site planning.**

A binding site plan is required for all residential development and shall include:

(1) All information required on a preliminary plat.

(2) The location of all proposed structures, with detailed plot plan including all setbacks.

(3) Schematic plans and elevations of proposed buildings and accessory structures. (Ord. 379, 1995).

## **Chapter 17.20**

### **DOWNTOWN BUSINESS DISTRICT (DBD)**

#### **Sections:**

17.20.010 Principal uses.

17.20.015 Conditional uses.

17.20.020 Minimum lot size.

17.20.030 Maximum lot coverage.

17.20.040 Maximum height.

17.20.050 Setbacks.

17.20.060 Requirement to connect to town water and sewer systems.

17.20.070 Parking.

17.20.080 Loading space requirements.

17.20.090 Parking for the handicapped.

17.20.100 Barrier free access.

17.20.110 Binding site plan.

17.20.120 Protection of critical areas.

17.20.130 Outdoor lighting.

#### **17.20.010 Principal uses.**

(1) Bank or similar financial institution.

(2) Bed and breakfast room and inn.

(3) Church.

(4) Club, lodge, fraternal organization, grange hall or similar use.

(5) Establishment offering personal services, such as barber and beauty shops, dress-making and tailoring, cleaning and pressing, coin-operated laundry and cleaning.

(6) Home occupation.

(7) Hotel or motel.

(8) Locksmith.

(9) Medical-dental clinic.

(10) Newspaper, printing or lithographing establishment.

(11) Nursery, greenhouse.

(12) Nursing home, retirement home, rest home, convalescent home or similar use.

(13) Private library, art gallery, museum or similar use.

(14) Professional and business office.

(15) Public facilities and public utility use.

(16) Rental agency – home or garden equipment.

(17) Repair shop for radio, TV, small appliances, shoes, watches or other similar items.



(18) Restaurant, tavern, cocktail lounge, except drive-in restaurant.

(19) Retail store or shop.

(20) Single-family and multifamily dwelling unit.

(21) Studio for art, music, photography and other similar uses.

(22) Upholstery shop.

(23) Veterinary clinic for small animals (dogs/cats). (Ord. 379, 1995; Ord. 361 § 13, 1992).

#### **17.20.015 Conditional uses.**

Subject to the approval of the council:

(1) Containers that are located on a site for more than six months.

(2) Short-term rentals, subject to the requirements of Chapter 17.52 SCEMC. (Ord. 635 § 3, 2023; Ord. 627 § 3, 2022).

#### **17.20.020 Minimum lot size.**

Five thousand square feet. (Ord. 361 § 13, 1992).

#### **17.20.030 Maximum lot coverage.**

(1) Sixty percent for businesses

(2) Thirty-five percent for single and multifamily dwelling units. (Ord. 361 § 13, 1992).

#### **17.20.040 Maximum height.**

No dwelling, building or structure shall be more than 35 feet high and shall not be more than two stories in height. (Ord. 361 § 13, 1992).

#### **17.20.050 Setbacks.**

(1) Street: a minimum of 10 feet.

(2) Side yard: a minimum of five feet.

(3) Rear yard: a minimum of 10 feet.

(4) On corner lots, the street setback shall be applicable to the portion of the lot adjacent to the street that provides the address of the structure. The side yard setback shall be applied along the other street front(s), except in cases where the application of the side yard setback would adversely affect the sight lines at the intersection.

(5) For setbacks applicable to single-family and duplex dwelling units, refer to Chapter 17.15 SCEMC, Mixed Residential (MR).

(6) Development adjacent to existing residential uses shall provide a fence and a five-foot-wide landscape buffer along the shared property line. Landscaping shall be designed, installed, and maintained according to "Firewise Landscaping with Native Plants in Upper Kittitas County," prepared by Washington State University Extension Kittitas County Master Gardener Program, as amended. (Ord. 539 § 1 (Att. A), 2013; Ord. 361 § 13, 1992).

#### **17.20.060 Requirement to connect to town water and sewer systems.**

All development is required to be served by the town's public water and sewage system. (Ord. 361 § 13, 1992).

#### **17.20.070 Parking.**

(1) Two parking spaces for each single-family and multifamily dwelling unit.

(2) Three parking spaces for every 1,000 square feet of gross floor area:

(a) Bank or similar financial institution.

(b) Establishment offering personal services.

(c) Home occupation.

(d) Locksmith.

(e) Medical and dental clinic.

(f) Newspaper, printing or lithographing establishment.

(g) Nursery, greenhouse.

(h) Private library, art gallery, museum or similar use.

(i) Professional and business office.

(j) Rental agency.

(k) Repair store or shop.

(l) Studio for art, music, photography or similar uses.

(m) Upholstery shop.

(n) Veterinary clinic for small animal.

(3) One parking space for every five fixed seats:

(a) Church.

(4) One parking space for every four beds with a minimum of 10 parking spaces:

(a) Nursing home, retirement home, rest home, convalescent home or similar use.

(5) One parking space for every 300 square feet of gross floor area:

(a) Food store and market.

(6) One parking space for every room or storage facility:

- (a) Bed and breakfast room and inn.
- (b) Enclosed mini-storage facility.
- (c) Hotel and motel.

(7) One parking space for every four persons based on occupancy load:

- (a) Club, lodge, fraternal organization, grange hall or similar use.
- (b) Public facilities.

(c) Restaurant, tavern, cocktail lounge, except drive-in restaurant. (Ord. 361 § 13, 1992).

**17.20.080 Loading space requirements.**

Off-street space for standing, loading and unloading services shall be provided in such a manner as not to obstruct freedom of traffic movement on streets or alleys. For all office, commercial and industrial uses, each loading space shall consist of at least a 10-foot by 30-foot loading space with 14-foot height clearance for small trucks, such as pickup trucks, or a 12-foot by 65-foot loading space with 14-foot height clearance for large trucks, including tractor-trailers. The following table prescribes the number of spaces required. These requirements may be reduced by the council upon appeal and after a hearing, where the council finds such a reduction will not result in injury to neighboring property or obstruction of fire lanes or traffic and will be in harmony with the purposes and intent of this chapter.

**Loading Space Requirements**

Number of Spaces	Square Feet of Gross Floor Area
1	3,000 to 50,000
2	50,000 to 150,000
3	150,000 to 300,000
4	300,000 to 625,000
5	625,000 to 950,000
6	950,000 to 1,250,000
7	1,250,000 to 1,550,000
8	1,550,000 to 2,225,000
9	2,225,000 to 3,125,000
10	3,125,000 to 3,550,000

(Ord. 361 § 13, 1992).

**17.20.090 Parking for the handicapped.**

(1) Parking for the handicapped shall be provided in all parking lots with the exceptions of parking areas accessory to buildings and portions thereof not customarily occupied by humans and residences, apartment houses, boarding and rooming houses with 10 or fewer dwelling units.

(2) Minimum Requirement. A minimum of one parking space and not less than one additional space for every 100 spaces shall meet the requirements of this section.

(3) Location and Size. The required spaces shall be those nearest the primary public building entrance of the building or buildings served, shall abut the accessible route of travel, and shall not be less than 12 feet six inches wide. The surface shall be firm, stable, smooth, nonslip and shall slope not more than one in 50.

(4) Curb-cuts. Where any curb occurs between the accessible route of travel and any parking space required by this section, curb-cuts shall be provided for each such parking space. The curb shall be located so that disabled persons may gain access to the accessible route of travel directly from the parking space without entering a vehicular roadway.

(5) Signage. Parking spaces required by this section shall be identified by a sign centered from four feet to five feet above grade, at the head of the required parking space, marked with the international symbol of access. The sign shall also indicate that such space is reserved for disabled persons authorized to display the Washington State disabled overtime parking permit on or in their vehicles. (Ord. 361 § 13, 1992).

**17.20.100 Barrier free access.**

All development shall comply with the Americans with Disabilities Act. (Ord. 361 § 13, 1992).

**17.20.110 Binding site plan.**

A binding site plan is required for all commercial development and shall include:

(1) All information required on a preliminary plat.

(2) The location of all proposed structures including detailed plot plan showing all setbacks.

(3) A landscape plan indicating the location of vegetation and landscaping structures to be installed, including proposed parking requirements.

(4) Schematic plans and elevations of proposed buildings.

(5) Inscriptions or attachments setting forth the limitations and conditions of development.

(6) The provisions insuring the development will be in conformance with the site plan as approved. (Ord. 379, 1995; Ord. 361 § 13, 1992).

#### **17.20.120 Protection of critical areas.**

All development in this zone shall be subject to the town's critical areas regulations in Chapter 16.10 SCEMC. (Ord. 539 § 4 (Att. C), 2013; Ord. 379, 1995; Ord. 361 § 13, 1992).

#### **17.20.130 Outdoor lighting.**

Outdoor lighting is permitted as follows:

(1) Lighting installed by the town government or installed as a result of agreement among the residents affected.

(2) Any lighting from incandescent bulbs of 150 watts or less, provided that spot or flood lamps on any particular property are aimed at points within that property.

(3) Any lighting shielded in such a way that the illumination of adjoining property is no greater than from an ordinary 150 watt incandescent bulb (not a spot or flood light) installed in the same place.

(4) Any lighting at least 200 feet from any residence on other property, provided it does not cause unreasonable interference to adjacent neighbors.

(5) No outdoor lighting shall be installed in the town right-of-way without permission from the town.

(6) Any other lighting which causes no denial of any reasonable use or enjoyment of property by a person other than the owner of the lighting. (Ord. 361 § 13, 1992).

## **Chapter 17.22**

### **HISTORIC DEPOT COMMERCIAL DISTRICT (HDCD)**

#### **Sections:**

- 17.22.010 Principal uses.
- 17.22.020 Minimum lot size.
- 17.22.030 Maximum lot coverage.
- 17.22.040 Maximum height.
- 17.22.050 Setbacks.
- 17.22.060 Requirement to connect to town water and sewer systems.
- 17.22.065 Fencing.
- 17.22.070 Parking.
- 17.22.080 Loading space requirements.
- 17.22.090 Parking for the handicapped.
- 17.22.100 Barrier free access.
- 17.22.110 Binding site plan.
- 17.22.120 Protection of critical areas.
- 17.22.130 Outdoor lighting.
- 17.22.140 Site design standards.

#### **17.22.010 Principal uses.**

The following uses are permitted as principal uses within the historic depot commercial district. Uses not listed here are not allowed.

- (1) Bank or similar financial institution.
- (2) Bed and breakfast room and inn.
- (3) Church.
- (4) Club, lodge, fraternal organization, grange hall or similar use.
- (5) Establishment offering personal services, such as barber and beauty shops, dress-making and tailoring, cleaning and pressing.
- (6) Home occupation.
- (7) Hotel or motel.
- (8) Locksmith.
- (9) Medical-dental clinic.
- (10) Newspaper, printing or lithographing establishment.
- (11) Nursery, greenhouse.
- (12) Nursing home, retirement home, rest home, convalescent home or similar use.
- (13) Private library, art gallery, museum or similar use.
- (14) Professional and business office.
- (15) Public facilities and public utility use.

(16) Rental agency, provided there shall be no outdoor storage of heavy machinery or equipment.

(17) Repair shop for radio, TV, small appliances, shoes, watches or other similar items.

(18) Restaurant, including bakery, coffee shop, bistro, cafe, and tasting room, but excluding drive-in restaurants, drinking establishments, and any adult entertainment use.

(19) Retail store or shop, except for marijuana retailers, processors, or producers and all adult entertainment uses.

(20) Single-family dwelling unit, either as a detached structure or when located above a ground floor commercial use.

(21) Studio for art, music, photography and other similar uses.

(22) Upholstery shop.

(23) Veterinary clinic for small animals (dogs/cats). (Ord. 582 § 1 (Att. 1), 2017).

#### **17.22.020 Minimum lot size.**

Six thousand square feet. (Ord. 582 § 1 (Att. 1), 2017).

#### **17.22.030 Maximum lot coverage.**

(1) Sixty-five percent for businesses.

(2) Thirty-five percent for single- and multifamily dwelling units. (Ord. 582 § 1 (Att. 1), 2017).

#### **17.22.040 Maximum height.**

No dwelling, building or structure shall be more than 35 feet high and shall not be more than two stories in height. (Ord. 582 § 1 (Att. 1), 2017).

#### **17.22.050 Setbacks.**

(1) Street: a minimum of five feet.

(2) Side yard: a minimum of five feet.

(3) Rear yard: a minimum of 10 feet.

(4) On corner lots, the street setback shall be applicable to the portion of the lot adjacent to the street that provides the address of the structure. The side yard setback shall be applied along the other street front(s), except in cases where the application of the side yard setback would adversely affect the sight lines at the intersection.

(5) For setbacks applicable to single-family and duplex dwelling units, refer to Chapter 17.15 SCEMC, Mixed Residential (MR).

(6) Development adjacent to existing residential uses shall provide a fence and a five-foot-wide landscape buffer along the shared property line. Landscaping shall be designed, installed, and maintained according to "Firewise Landscaping with Native Plants in Upper Kittitas County," prepared by Washington State University Extension Kittitas County Master Gardener Program, as amended. (Ord. 582 § 1 (Att. 1), 2017).

#### **17.22.060 Requirement to connect to town water and sewer systems.**

All development is required to be served by the town's public water and sewage system. (Ord. 582 § 1 (Att. 1), 2017).

#### **17.22.065 Fencing.**

The maximum height of any fence, wall, or sight-obscuring objects within 15 feet of the public right-of-way shall be three feet. Fences will be allowed in excess of three feet and up to six feet if constructed out of rigid materials and are 50 percent or more see-through per lineal foot. All other fences shall not be greater in height than eight feet unless approved by the planning and zoning commission.

(1) Fencing Materials and Appearance. Fences shall consist of period-appropriate materials, as detailed below:

(a) Acceptable materials include: wood (slat, picket), wood frame with wire mesh or grid, post and rail, wrought iron, natural stone, and brick.

(b) Chain-link or plastic/synthetic fencing is not allowed.

(c) Fences must be constructed so that the finished side faces toward the street and neighboring properties.

(d) Fence color shall be subject to design review.

(2) Fence Height.

(a) Maximum height is six feet for "see-through" fencing; provided, that noncorner side yards may be completely solid to a maximum of six feet.

(b) Fences over six feet tall require a building permit.

(c) Commercial corner-lot fences must be see-through above 36 inches (the lower three feet may be solid; for example, three feet stone base, with “see-through” wrought iron from the third to the sixth foot within 20 feet of arterial corner).

(d) Solid fences above three feet in height must be set back five feet from the property line on corner lots, within 20 feet of the arterial corner. (Ord. 582 § 1 (Att. 1), 2017).

#### **17.22.070 Parking.**

(1) Two off-street parking spaces for each single-family dwelling unit; provided, that if a dwelling unit is located above a ground floor commercial use, then one off-street parking space is required.

(2) One off-street parking space for every five fixed seats:

(a) Church.

(3) One off-street parking space for every four beds, plus one space for every four employees:

(a) Nursing home, retirement home, rest home, convalescent home or similar use.

(4) One off-street parking space for every room or storage facility:

(a) Bed and breakfast room and inn.

(b) Enclosed mini-storage facility.

(c) Hotel and motel.

(5) One off-street parking space for every four persons based on occupancy load:

(a) Club, lodge, fraternal organization, grange hall or similar use.

(b) Public facilities.

(6) If not otherwise required in this section, businesses in the HDCD may utilize shared angular parking on town right-of-way in lieu of providing off-street parking. There shall be no parking in front of a public or private driveway, or within five feet of the end of the curb radius leading therefrom (per RCW 46.61.570). (Ord. 582 § 1 (Att. 1), 2017).

#### **17.22.080 Loading space requirements.**

Alleys adjacent to businesses may be used for loading space when off-street parking is not available for loading and unloading. (Ord. 582 § 1 (Att. 1), 2017).

#### **17.22.090 Parking for the handicapped.**

(1) Parking for the handicapped shall be provided in all parking lots with the exceptions of parking areas accessory to buildings and portions thereof not customarily occupied by humans, as well as residences and boarding and rooming houses with 10 or fewer dwelling units.

(2) Minimum Requirement. A minimum of one accessible parking space and not less than one additional accessible space for every 100 standard parking spaces shall meet the requirements of this section.

(3) Location and Size. The required spaces shall be those nearest the primary public building entrance of the building or buildings served, shall abut the accessible route of travel, and shall not be less than 12 feet, six inches wide. The surface shall be firm, stable, smooth, nonslip and shall slope not more than one in 50.

(4) Curb-Cuts. Where any curb occurs between the accessible route of travel and any parking space required by this section, curb-cuts shall be provided for each such parking space. The curb shall be located so that disabled persons may gain access to the accessible route of travel directly from the parking space without entering a vehicular roadway.

(5) Signage. Parking spaces required by this section shall be identified by a sign centered from four feet to five feet above grade, at the head of the required parking space, marked with the international symbol of access. The sign shall also indicate that such space is reserved for disabled persons authorized to display the Washington State disabled overtime parking permit on or in their vehicles. (Ord. 582 § 1 (Att. 1), 2017).

#### **17.22.100 Barrier free access.**

All development shall comply with the Americans with Disabilities Act. (Ord. 582 § 1 (Att. 1), 2017).

**17.22.110 Binding site plan.**

A binding site plan is required for all commercial development and shall include:

(1) All information required on a preliminary plat.

(2) The location of all proposed structures including detailed plot plan showing all setbacks.

(3) A landscape plan indicating the location of vegetation and landscaping structures to be installed, including proposed parking requirements. Landscaping should be pedestrian-friendly, and should not obstruct traffic, walkways, and parking. Conservation of existing stands of trees is encouraged.

(4) A description of the location and depth of any ground disturbing activities, and plan for avoiding disturbing any archaeological resources in the project area.

(5) Schematic plans and elevations of proposed buildings and fences.

(6) Inscriptions or attachments setting forth the limitations and conditions of development.

(7) The provisions ensuring the development will be in conformance with the site plan as approved. (Ord. 582 § 1 (Att. 1), 2017).

**17.22.120 Protection of critical areas.**

All development in this zone shall be subject to the town's critical areas regulations in Chapter 16.10 SCEMC. (Ord. 582 § 1 (Att. 1), 2017).

**17.22.130 Outdoor lighting.**

Outdoor lighting is permitted as follows:

(1) Lighting installed by the town government or installed as a result of agreement among the residents affected.

(2) Any lighting from incandescent bulbs of 150 watts or less; provided, that spot or flood lamps on any particular property are aimed at points within that property.

(3) Any lighting shielded in such a way that the illumination of adjoining property is no greater than from an ordinary 150-watt incandescent bulb (not a spot or flood light) installed in the same place.

(4) Any lighting at least 200 feet from any residence on other property, provided it does not cause unreasonable interference to adjacent neighbors.

(5) No outdoor lighting shall be installed in the town right-of-way without permission from the town.

(6) Any other lighting which causes no denial of any reasonable use or enjoyment of property by a person other than the owner of the lighting.

(7) Lighting in the historic districts shall be of appropriate design for early 1900's structures and landscape. (Ord. 582 § 1 (Att. 1), 2017).

**17.22.140 Site design standards.**

(1) Development of new buildings in the area shall be subject to design review and incorporate specific elements consistent with the historic structures:

(a) Temporary structures not located on permanent foundations, and the following types of structures with or without permanent foundations, are not allowed: shipping containers, single-wide manufactured homes and trailer homes, domed or "bubble" homes, yurts, Quonset huts, school buses, and converted school bus homes.

(b) Exterior wall materials shall reflect the period; for example, wood siding (clapboard, board and batten, shingle); no faux cobblestone or plastic siding.

(c) Development should be pedestrian-oriented with historic-appropriate sitting areas, lighting, walkways, and signage.

(d) Dish antennas shall be placed as discreetly as possible and shall meet the setback requirements for accessory structures, and not distract from the historic atmosphere of the district.

(e) Signage in the historic district should be historically appropriate. Feather flag, air dancer, and inflatable air dancer signs are not allowed.

(f) In the historic district, mechanical equipment or other utility hardware must be screened from view with architecturally compatible fences or landscaping and shall be ori-

ented to maintain vehicular and pedestrian line of site.

(g) Exterior colors of all structures in the historic district require design review.

(h) Garbage and household trash shall be contained in a refuse container with a secure fitting lid and be screened from view. Refuse containers for the public shall be secure, maintained, and historically appropriate for the area.

(2) Secretary of Interior Standards. In addition to the design standards listed in this section, any new construction, building additions, and/or the rehabilitation of buildings or structures within the historic depot commercial district shall be designed to be in accord with the recommended approaches defined in the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. These documents can be obtained at the National Parks Service website, or by requesting a copy from the town clerk.

(3) Deviations. Any and all deviations must be presented to the South Cle Elum planning commission for review. (Ord. 582 § 1 (Att. 1), 2017).

## Chapter 17.25

### LIGHT INDUSTRIAL DISTRICT (LID)

#### Sections:

- 17.25.010 Principal uses.
- 17.25.020 Conditional uses.
- 17.25.030 Minimum lot size.
- 17.25.040 Maximum lot coverage.
- 17.25.050 Maximum height.
- 17.25.060 Setbacks.
- 17.25.070 Requirement to connect to town water and sewer systems.
- 17.25.080 Parking.
- 17.25.090 Loading space requirements.
- 17.25.100 Parking for the handicapped.
- 17.25.110 Barrier free access.
- 17.25.120 Binding site plan.
- 17.25.130 Protection of critical areas.
- 17.25.140 Outdoor lighting.

#### 17.25.010 Principal uses.

(1) For light industrial uses which can be operated in a relatively clean, quiet and safe manner compatible with adjoining residential areas without serious effect, danger or hazard.

(2) For the manufacture, assembly, fabricating, processing, packing, repairing, warehousing, wholesaling or storage of light and small items made from previously prepared materials.

(3) Operations which do not create noise, smoke, odor, vibration or other objectionable nuisances.

(4) Automobile, boat, truck, trailer, motorcycle sales, display, rental, storage or repair.

(5) Carpenter, cabinet or glass shop.

(6) Dwelling for watchmen or caretaker.

(7) Electric, plumbing or heating shop.

(8) Lumber, construction materials sales and storage.

(9) Governmental structure or use of land.

(10) Machinery, implement, equipment sales, display, repair, service or storage.

(11) Parking lot or garage.

(12) Railroad facilities.

(13) Sign painting shop.

(14) Tire sales, service, repair.

(15) Welding, sheet metal, machine shop.



(16) Veterinarian. (Ord. 379, 1995; Ord. 361 § 14, 1992).

**17.25.020 Conditional uses.**

Subject to the approval of the town council:

- (1) Outside storage and display.
- (2) Containers that are located on a site for more than six months.
- (3) All other uses. (Ord. 627 § 4, 2022; Ord. 361 § 14, 1992).

**17.25.030 Minimum lot size.**

Five thousand square feet. (Ord. 361 § 14, 1992).

**17.25.040 Maximum lot coverage.**

Sixty percent. (Ord. 361 § 14, 1992).

**17.25.050 Maximum height.**

No building or structure shall be more than 35 feet in height nor more than two stories in height at the highest vertical projection. (Ord. 379, 1995; Ord. 361 § 14, 1992).

**17.25.060 Setbacks.**

- (1) Street: a minimum of 20 feet.
- (2) Side yard: a minimum of five feet.
- (3) Rear yard: a minimum of 10 feet. (Ord. 361 § 14, 1992).

**17.25.070 Requirement to connect to town water and sewer systems.**

All development is required to be served by the town's public water system and sewage system. (Ord. 361 § 14, 1992).

**17.25.080 Parking.**

- (1) Three parking spaces for every 1,000 square feet of gross floor area:
  - (a) Business and commercial buildings.
  - (b) Office and professional buildings.
- (2) One parking space for every 1,000 square feet of gross floor area:
  - (a) Industrial buildings. (Ord. 361 § 14, 1992).

**17.25.090 Loading space requirements.**

Off-street space for standing, loading and unloading services shall be provided in such a manner as not to obstruct freedom of traffic

movement on streets or alleys. For all office, commercial and industrial uses, each loading space shall consist of at least a 10-foot by 30-foot loading space with 14-foot height clearance for small trucks, such as pickup trucks, or a 12-foot by 65-foot loading space with 14-foot height clearance for large trucks, including tractor-trailers. The following table prescribes the number of spaces required. These requirements may be reduced by the council upon appeal and after a hearing, where the council finds such a reduction will not result in injury to neighboring property or obstruction of fire lanes or traffic and will be in harmony with the purposes and intent of this chapter.

**LOADING SPACE REQUIREMENTS**

Number of Spaces	Square Feet of Gross Floor Area
1	0 to 50,000
2	50,000 to 150,000
3	150,000 to 300,000
4	300,000 to 625,000
5	625,000 to 950,000
6	950,000 to 1,250,000
7	1,250,000 to 1,550,000
8	1,550,000 to 2,225,000
9	2,225,000 to 3,125,000
10	3,125,000 to 3,550,000

(Ord. 361 § 14, 1992).

**17.25.100 Parking for the handicapped.**

(1) Parking for the handicapped shall be provided in all parking lots with the exceptions of parking areas accessory to buildings and portions thereof not customarily occupied by humans and residences.

(2) Minimum Requirement. A minimum of one parking space and not less than one additional space for every 100 spaces shall meet the requirements of this section.

(3) Location and Size. The required spaces shall be those nearest the primary public building entrance of the building or buildings served, shall abut the accessible route of travel and shall not be less than 12 feet six inches wide. The surface shall be firm, stable, smooth, nonslip and shall slope not more than one in 50.

(4) Curb-cuts. Where any curb occurs between the accessible route of travel and any parking space required by this section, curb-cuts shall be provided for each such parking space. The curb shall be located so that disabled persons may gain access to the accessible route of travel directly from the parking space without entering a vehicular roadway.

(5) Signage. Parking spaces required by this section shall be identified by a sign centered from four feet to five feet above grade, at the head of the required parking space, marked with the international symbol of access. The sign shall also indicate that such space is reserved for disabled persons authorized to display the Washington State disabled over-time parking permit on or in their vehicles. (Ord. 361 § 14, 1992).

#### **17.25.110 Barrier free access.**

All development shall comply with the Americans with Disabilities Act. (Ord. 361 § 14, 1992).

#### **17.25.120 Binding site plan.**

A binding site plan is required for all commercial development and shall include:

(1) All information required on a preliminary plat.

(2) The location of all proposed structures.

(3) A landscape plan indicating the location of vegetation and landscaping structures to be installed including proposed parking requirements.

(4) Schematic plans and elevations of proposed buildings, type of exterior finish material and colors, the type and location of all exterior lighting, signs and accessory structures.

(5) Inscriptions or attachments setting forth the limitations and conditions of development.

(6) The provisions insuring the development will be in conformance with the site plan as approved. (Ord. 379, 1995; Ord. 361 § 14, 1992).

#### **17.25.130 Protection of critical areas.**

All development in this zone shall be subject to the town's critical areas regulations in Chapter 16.10 SCEMC. (Ord. 539 § 4 (Att. C), 2013; Ord. 379, 1995; Ord. 361 § 14, 1992).

#### **17.25.140 Outdoor lighting.**

Outdoor lighting is permitted as follows:

(1) Lighting installed by the town government or installed as a result of agreement among the residents affected.

(2) Any lighting from incandescent bulbs of 150 watts or less; provided, that spot or flood lamps on any particular property are aimed at points within that property.

(3) Any lighting shielded in such a way that the illumination of adjoining property is no greater than from an ordinary 150 watt incandescent bulb (not a spot or flood light) installed in the same place.

(4) Any light at least 200 feet from any residence on other property, provided it does not cause unreasonable interference to adjacent neighbors.

(5) No outdoor lighting shall be installed in the town right-of-way without permission from the town.

(6) Any other lighting which causes no denial of any reasonable use or enjoyment of property by a person other than the owner of the lighting. (Ord. 361 § 14, 1992).

**Chapter 17.27****GATEWAY ZONE (G)**

## Sections:

- 17.27.000 Purpose.
- 17.27.010 Principal uses.
- 17.27.020 Secondary uses.
- 17.27.030 Minimum lot size.
- 17.27.040 Maximum residential density.
- 17.27.050 Maximum lot coverage.
- 17.27.060 Minimum open space.
- 17.27.070 Maximum height.
- 17.27.080 Setbacks.
- 17.27.090 Requirement to connect to town water and sewer systems.
- 17.27.100 Requirement to erect gateway signage.
- 17.27.110 Requirement to provide public access to the Yakima River.
- 17.27.120 Parking.
- 17.27.130 Loading space requirements.
- 17.27.140 Parking for people with disabilities.
- 17.27.150 Barrier free access.
- 17.27.160 Outdoor lighting.
- 17.27.170 Use of PUD.
- 17.27.180 Site design standards.
- 17.27.190 Protection of critical areas.
- 17.27.200 Shoreline master program.
- 17.27.210 Provisions for flood hazard reduction.
- 17.27.220 Improvements.
- 17.27.230 Deviations.

**17.27.000 Purpose.**

The purpose of the gateway zone is to establish a welcoming gateway to South Cle Elum, with residential options that are flood-sensitive and protective of critical areas and limited river-dependent economic development. Some flexibility is allowed in this zone to encourage clustering of development away from these sensitive areas. As the gateway to the town, the residential character of surrounding neighborhoods will be reflected in development in the gateway zone. Public access to the river will be maintained, and traffic impacts to South Cle Elum Way and Grant Avenue will be minimized. (Ord. 623 § 3 (Exh. B), 2022).

**17.27.010 Principal uses.**

(1) Single-family dwelling unit, either as a detached structure or when located above a ground floor commercial use.

(2) Open space, river access, parks, and trails.

(3) Public facilities and public utility use.

(4) Water-dependent retail store or shop (sales or activities oriented to fishing, boating, swimming, or other water activities only). (Ord. 623 § 3 (Exh. B), 2022).

**17.27.020 Secondary uses.**

(1) One garage, attached or detached to a residence, not to exceed 20 percent of the principal residential building.

(2) Off-street parking areas, private automobile storage, and carports secondary to residences. (Ord. 623 § 3 (Exh. B), 2022).

**17.27.030 Minimum lot size.**

One acre. (Ord. 623 § 3 (Exh. B), 2022).

**17.27.040 Maximum residential density.**

Maximum residential density is one dwelling unit per acre. (Ord. 623 § 3 (Exh. B), 2022).

**17.27.050 Maximum lot coverage.**

(1) The principal residence and all other improvements, excluding driveways and walkways, may not exceed 20 percent of the lot area.

(2) For water-dependent retail stores or shops outside of the shoreline buffer, improvements, excluding driveways and walkways, may not exceed 60 percent of the lot area. (Ord. 623 § 3 (Exh. B), 2022).

**17.27.060 Minimum open space.**

(1) For residential use, maintain a minimum of 60 percent of the lot area as open space, free of structures or buildings.

(2) For water-dependent retail stores or shops outside of the shoreline buffer, maintain a minimum of 30 percent of the lot area as open space, free of structures or buildings. (Ord. 623 § 3 (Exh. B), 2022).

**17.27.070 Maximum height.**

No dwelling, building or structure shall be more than 35 feet high and shall not be more than two stories in height. (Ord. 623 § 3 (Exh. B), 2022).

**17.27.080 Setbacks.**

- (1) Street: a minimum of 20 feet.
- (2) Side yard: a minimum of five feet.
- (3) Rear yard: a minimum of 20 feet.
- (4) On corner lots, the street setback shall be applicable to the portion of the lot adjacent to the street that provides the address of the structure. The side yard setback shall be applied along the other street front(s), except in cases where the application of the side yard setback would adversely affect the sight lines at the intersection.
- (5) Setbacks must be measured from the dripline, not the foundation.
- (6) Development adjacent to existing residential uses shall provide a five-foot-wide landscape buffer along the shared property line. Landscaping shall be designed, installed, and maintained according to "Firewise Landscaping with Native Plants in Upper Kittitas County," prepared by Washington State University Extension Kittitas County Master Gardener Program, as amended.
- (7) Development adjacent to the Yakima River shoreline environment designation shall comply with the building setback requirements in Section 5.20, Shoreline bulk and dimensional standards, of the Shoreline Master Program. (Ord. 623 § 3 (Exh. B), 2022).

**17.27.090 Requirement to connect to town water and sewer systems.**

- (1) All development is required to be served by the town's public water and sewer system.
- (2) The responsibility for improving water and sewer facilities for appropriate capacity for the proposed development lies with the applicant.
- (3) All new development must have water, sewer, and stormwater drainage systems approved by the town engineer. (Ord. 623 § 3 (Exh. B), 2022).

**17.27.100 Requirement to erect gateway signage.**

Permitted development must include a provision for one freestanding "Welcome to South Cle Elum" gateway sign visible to individuals traveling south on South Cle Elum Way. Signage shall comply with the commercial sign standards in Chapter 17.40 SCEMC, Sign Code. (Ord. 623 § 3 (Exh. B), 2022).

**17.27.110 Requirement to provide public access to the Yakima River.**

- (1) All development is required to provide visual and physical access to the Yakima River shoreline. Design, construction, and operation of development in this zone should minimize interference with the public's use of the water.
- (2) Public access to the Yakima River must mitigate safety issues regarding pedestrian crossings over South Cle Elum Way.
- (3) Parking for public river access must be planned for to minimize parking impacts to Grant Avenue. (Ord. 623 § 3 (Exh. B), 2022).

**17.27.120 Parking.**

- (1) Two off-street parking spaces for each single-family and multifamily dwelling unit. The parking spaces must be accessible to vehicles and may not be fenced off or landscaped in a way that renders the spaces unusable for parking.
- (2) Three parking spaces for every 1,000 square feet of gross floor area for water-dependent retail store or shop. (Ord. 623 § 3 (Exh. B), 2022).

**17.27.130 Loading space requirements.**

Off-street space for standing, loading and unloading services shall be provided as established in SCEMC 17.22.080, historic depot commercial district loading space requirements. (Ord. 623 § 3 (Exh. B), 2022).

**17.27.140 Parking for people with disabilities.**

- (1) Parking for people with disabilities shall be provided in all parking lots with the exceptions of parking areas accessory to buildings and portions thereof not customarily

occupied by humans and residences, apartment houses, boarding and rooming houses with 10 or fewer dwelling units.

(2) Minimum Requirement. A minimum of one parking space and not less than one additional space for every 100 spaces shall meet the requirements of this section.

(3) Location and Size. The required spaces shall be those nearest the primary public building entrance of the building or buildings served, shall abut the accessible route of travel, and shall not be less than 12 feet six inches wide. The surface shall be firm, stable, smooth, nonslip and shall slope not more than one in 50.

(4) Curb-Cuts. Where any curb occurs between the accessible route of travel and any parking space required by this section, curb-cuts shall be provided for each such parking space. The curb shall be located so that people with disabilities may gain access to the accessible route of travel directly from the parking space without entering a vehicular roadway.

(5) Signage. Parking spaces required by this section shall be identified by a sign centered from four feet to five feet above grade, at the head of the required parking space, marked with the international symbol of access. The sign shall also indicate that such space is reserved for disabled persons authorized to display the Washington State disabled over-time parking permit on or in their vehicles. (Ord. 623 § 3 (Exh. B), 2022).

#### **17.27.150 Barrier free access.**

All development shall comply with the Americans with Disabilities Act. (Ord. 623 § 3 (Exh. B), 2022).

#### **17.27.160 Outdoor lighting.**

Outdoor lighting is permitted as follows:

(1) Lighting installed by the town government or installed as a result of agreement among the residents affected.

(2) Any lighting from incandescent bulbs of 150 watts or less; provided, that spot or flood lamps on any particular property are aimed at points within that property.

(3) Any lighting shielded in such a way that the illumination of adjoining property is no greater than from an ordinary 150-watt incandescent bulb (not a spot or flood light) installed in the same place.

(4) Any lighting at least 200 feet from any residence on other property, provided it does not cause unreasonable interference to adjacent neighbors.

(5) No outdoor lighting shall be installed in the town right-of-way without permission from the town.

(6) Any other lighting which causes no denial of any reasonable use or enjoyment of property by a person other than the owner of the lighting. (Ord. 623 § 3 (Exh. B), 2022).

#### **17.27.170 Use of PUD.**

(1) Lot sizes of 9,000 square feet may be allowed if a planned unit development process is used as established in Chapter 17.45 SCEMC, Planned Unit Development (PUD).

(2) To maximize clustering flexibility, the average size of all lots created in the PUD may be 9,000 square feet, where some lots may be smaller and some may be larger, provided no lot is smaller than 7,000 square feet. (Ord. 623 § 3 (Exh. B), 2022).

#### **17.27.180 Site design standards.**

Development of new buildings and infrastructure are subject to design review and must incorporate the following specific elements:

(1) Development will be consistent with the existing bungalow-style residence currently on the property.

(2) Development will be pedestrian-oriented with sitting areas, lighting, walkways, and signage that enhances the connection to the Yakima River.

(3) Development must provide adequate space for snow removal including the following considerations:

(a) Roads over 150 feet in length require linear storage or periodic designated areas.

(b) Planting strips and traffic buffers may be utilized for snow storage.

(c) Snow storage areas will not cover catch basins or eliminate any required parking stalls.

(d) If snow storage is not on site, a suitable agreement for off-site snow storage must be approved by the town.

(4) Development must provide for the following street design standards:

(a) Primary access to the site must be established on South Cle Elum Way in the vicinity of or at Grant Avenue.

(b) Ingress and egress to the site must minimize backups onto the bridge or traffic congestion along South Cle Elum Way.

(c) Traffic impacts to Grant Avenue must be minimized.

(d) A minimum right-of-way width of 80 feet to accommodate snow removal and storage.

(e) Utility meters, such as water meters in a parking strip or off the road, are accessible for maintenance and reading purposes.

(f) Adequate space for emergency vehicle maneuvering and turnarounds as specified by the 2021 International Fire Code (IFC) Chapter 5 and Appendix D, Fire Apparatus Access Roads.

(g) Private roads, if established, may deviate from snow removal design requirements, but must ensure that the property owner, or owners, is responsible for snow removal.

(5) A traffic study assessing impacts to South Cle Elum Way, Grant Avenue, and the bridge must be performed and must consider peak traffic conditions including peak hours and peak tourist season. Impacts to Grant Avenue must be minimized in the layout of ingress and egress to the zone.

(6) If a PUD process is used, these criteria will be reviewed along with the PUD criteria.

(7) All roadway and utility plans must be approved by the town engineer. (Ord. 623 § 3 (Exh. B), 2022).

#### **17.27.190 Protection of critical areas.**

All development in this zone shall be subject to the town's critical areas regulations in Chapter 16.10 SCEMC, Critical Areas. (Ord. 623 § 3 (Exh. B), 2022).

#### **17.27.200 Shoreline master program.**

All development in this zone shall be subject to the regulations established in the town's shoreline master program. (Ord. 623 § 3 (Exh. B), 2022).

#### **17.27.210 Provisions for flood hazard reduction.**

Development in special flood hazard areas according to the latest FIRM maps shall comply standards and definitions in Chapter 15.10 SCEMC, Flood Damage Prevention. (Ord. 623 § 3 (Exh. B), 2022).

#### **17.27.220 Improvements.**

Prior to any site work or permit approval, approval of improvements shall be obtained, and sureties submitted, per Chapter 19.30 SCEMC, Improvements. (Ord. 623 § 3 (Exh. B), 2022).

#### **17.27.230 Deviations.**

All deviations must be presented to the South Cle Elum planning commission for review. (Ord. 623 § 3 (Exh. B), 2022).

## Chapter 17.30

### ONE-HALF ACRE – URBAN RESIDENTIAL (UR 1/2)

#### Sections:

- 17.30.010 Principal use.
- 17.30.020 Secondary uses.
- 17.30.025 Conditional uses.
- 17.30.030 Minimum lot size.
- 17.30.040 Maximum lot coverage.
- 17.30.050 Minimum open space.
- 17.30.060 Maximum height.
- 17.30.070 Setbacks.
- 17.30.080 Protection of critical areas.
- 17.30.090 Outdoor lighting.

#### **17.30.010 Principal use.**

Single-family dwelling unit. (Ord. 361 § 15, 1992).

#### **17.30.020 Secondary uses.**

- (1) One detached garage, not to exceed 20 percent of the principal residential building.
- (2) One greenhouse, not to exceed 20 percent of the principal residential building.
- (3) A hobby shop, as a use in any secondary building, principal residential building or yard, relating thereto; provided, that any such use of the yards shall be so screened as to be obscured from public view.
- (4) Care and maintenance of domesticated animals (not including mink, fox and swine). Any portion of the yard may be used for the grazing of such animals. Retailing, wholesaling or the commercial feeding and raising of animals is prohibited.
- (5) Outdoor antennas for radio, television and other communications are permitted.
- (6) One barn not to exceed 500 square feet in size or 20 percent of the principal residential building, whichever is greater. Located at least 10 feet from the principal residential building and at least 20 feet from any lot line.
- (7) General farming operations. (Ord. 379, 1995; Ord. 361 § 15, 1992).

#### **17.30.025 Conditional uses.**

Subject to the approval of the council:

- (1) Containers that are located on a site for more than six months. (Ord. 627 § 5, 2022).

#### **17.30.030 Minimum lot size.**

One-half acre. (Ord. 361 § 15, 1992).

#### **17.30.040 Maximum lot coverage.**

The principal residence and all other improvements, excluding driveways and walkways may not exceed 30 percent of the lot area. (Ord. 361 § 15, 1992).

#### **17.30.050 Minimum open space.**

Maintain a minimum of 60 percent of the lot area as open space, free of structures or buildings. (Ord. 361 § 15, 1992).

#### **17.30.060 Maximum height.**

No dwelling, building or structure shall be more than 35 feet high and shall not be more than two stories in height. (Ord. 361 § 15, 1992).

#### **17.30.070 Setbacks.**

- (1) Street or front: 25 feet.
- (2) Side yard: 10 feet.
- (3) Rear yard: 20 feet. (Ord. 361 § 15, 1992).

#### **17.30.080 Protection of critical areas.**

All development in this zone shall be subject to the town's critical areas regulations in Chapter 16.10 SCEMC. (Ord. 539 § 4 (Att. C), 2013; Ord. 361 § 15, 1992).

#### **17.30.090 Outdoor lighting.**

Outdoor lighting is permitted as follows:

- (1) Lighting installed by the town government or installed as a result of agreement among the residents affected.
- (2) Any lighting from incandescent bulbs of 150 watts or less; provided, that spot or flood lamps on any particular property are aimed at points within that property.

(3) Any lighting shielded in such a way that the illumination of adjoining property is no greater than from an ordinary 150 watt incandescent bulb (not a spot or flood light) installed in the same place.

(4) Any lighting at least 200 feet from any residence on other property, provided it does not cause unreasonable interference to adjacent neighbors.

(5) No outdoor lighting shall be installed in the town right-of-way without permission from the town.

(6) Any other lighting which causes no denial of any reasonable use or enjoyment of property by a person other than the owner of the lighting. (Ord. 361 § 15, 1992).

## Chapter 17.35

### ONE TO FIVE ACRES – URBAN RESIDENTIAL (UR1-5)

#### Sections:

- 17.35.010 Principal use.
- 17.35.020 Secondary uses.
- 17.35.025 Conditional uses.
- 17.35.030 Minimum lot size.
- 17.35.040 Maximum lot coverage.
- 17.35.050 Minimum open space.
- 17.35.060 Maximum height.
- 17.35.070 Setbacks.
- 17.35.080 Protection of critical areas.
- 17.35.090 Outdoor lighting.

#### **17.35.010 Principal use.**

Single-family dwelling unit. (Ord. 361 § 16, 1992).

#### **17.35.020 Secondary uses.**

(1) One detached garage, not to exceed 20 percent of the principal residential building.

(2) One greenhouse, not to exceed 20 percent of the principal residential building.

(3) Off-street parking areas, private automobile storage and carports.

(4) A hobby shop, as a use in any secondary building, principal residential building or yard, relating thereto, provided that any such use of the yards shall be so screened as to be obscured from public view.

(5) Care and maintenance of domesticated animals (not including mink, fox and swine). Any portion of the yard may be used for the grazing of such animals. Retailing, wholesaling or the commercial feeding and raising of animals is prohibited.

(6) Outdoor antennas for radio, television and other communications are permitted.

(7) One barn not to exceed 500 square feet in size or 20 percent of the principal residential building, whichever is greater. Located at least 10 feet from the principal residential building and at least 20 feet from any lot line.

(8) General farming operations. (Ord. 379, 1995; Ord. 361 § 16, 1992).



**17.35.025 Conditional uses.**

Subject to the approval of the council:

(1) Containers that are located on a site for more than six months. (Ord. 627 § 6, 2022).

**17.35.030 Minimum lot size.**

One acre except that lots as small as one-half acre may be permitted in the UR1 zone through a subdivision application approved by the town council. In approving a subdivision application for lots less than one acre in size, the town must find that the development will be consistent with critical areas requirements and goals and policies of the comprehensive plan. (Ord. 470 Exh. A, 2006; Ord. 361 § 16, 1992).

**17.35.040 Maximum lot coverage.**

The principal residence and all other improvements, excluding driveways and walkways may not exceed 20 percent of the lot area. (Ord. 361 § 16, 1992).

**17.35.050 Minimum open space.**

Maintain a minimum of 60 percent of the lot area as open space, free of structures or buildings. (Ord. 361 § 16, 1992).

**17.35.060 Maximum height.**

No dwelling, building or structure shall be more than 35 feet high and shall not be more than two stories in height. (Ord. 361 § 16, 1992).

**17.35.070 Setbacks.**

(1) Street or front: 30 feet.  
(2) Side yard: 25 feet.  
(3) Rear yard: 25 feet. (Ord. 361 § 16, 1992).

**17.35.080 Protection of critical areas.**

All development in this zone shall be subject to the town's critical areas regulations in Chapter 16.10 SCEMC. (Ord. 539 § 4 (Att. C), 2013; Ord. 361 § 16, 1992).

**17.35.090 Outdoor lighting.**

Outdoor lighting is permitted as follows:

(1) Lighting installed by the town government or installed as a result of agreement among the residents affected;

(2) Any lighting from incandescent bulbs of 150 watts or less; provided, that spot or flood lamps on any particular property are aimed at points within that property;

(3) Any lighting shielded in such a way that the illumination of adjoining property is no greater than from an ordinary 150 watt incandescent bulb (not a spot or flood light) installed in the same place;

(4) Any lighting at least 200 feet from any residence on other property, provided it does not cause unreasonable interference to adjacent neighbors;

(5) No outdoor lighting shall be installed in the town right-of-way without permission from the town;

(6) Any other lighting which causes no denial of any reasonable use or enjoyment of property by a person other than the owner of the lighting. (Ord. 361 § 16, 1992).

## Chapter 17.40

### OVER FIVE ACRES – URBAN RESIDENTIAL (UR5+)

#### Sections:

- 17.40.010 Principal use.
- 17.40.020 Secondary uses.
- 17.40.025 Conditional uses.
- 17.40.030 Minimum lot size.
- 17.40.040 Maximum lot coverage.
- 17.40.050 Minimum open space.
- 17.40.060 Maximum height.
- 17.40.070 Setbacks.
- 17.40.080 Protection of critical areas.
- 17.40.090 Outdoor lighting.

#### **17.40.010 Principal use.**

Single-family dwelling unit. (Ord. 361 § 17, 1992).

#### **17.40.020 Secondary uses.**

- (1) Detached garage.
- (2) Greenhouse.
- (3) Off-street parking area, private automobile storage and carport.
- (4) Hobby shop.
- (5) Care and maintenance of domesticated animals including mink but not including fox and swine, including retailing, wholesaling or commercial feeding and raising of livestock, fowl and other animals.
- (6) Outdoor antenna for radio, television and other communications.
- (7) Barn.
- (8) General farming operation including retailing or wholesaling of any produce.
- (9) Guest house/caretaker cottage not to be used for rental purposes or be sold as primary residence.
- (10) Travel trailer park, mobile home park or mobile home subdivision in compliance with Chapter 17.70 SCEMC.
- (11) Home occupation. (Ord. 379, 1995; Ord. 361 § 17, 1992).

#### **17.40.025 Conditional uses.**

Subject to the approval of the council:

- (1) Containers that are located on a site for more than six months. (Ord. 627 § 7, 2022).

#### **17.40.030 Minimum lot size.**

Five acres. (Ord. 361 § 17, 1992).

#### **17.40.040 Maximum lot coverage.**

The principal residence and all other improvements, excluding driveways and walkways may not exceed 30 percent of the lot area. (Ord. 361 § 17, 1992).

#### **17.40.050 Minimum open space.**

Maintain a minimum of 60 percent of the lot area as open space, free of structures or buildings. (Ord. 361 § 17, 1992).

#### **17.40.060 Maximum height.**

No dwelling, building or structure shall be more than 35 feet high and shall not be more than two stories in height. (Ord. 361 § 17, 1992).

#### **17.40.070 Setbacks.**

- (1) Street or front: 50 feet.
- (2) Side yard: 25 feet.
- (3) Rear yard: 25 feet. (Ord. 361 § 17, 1992).

#### **17.40.080 Protection of critical areas.**

All development in this zone shall be subject to the town's critical areas regulations in Chapter 16.10 SCEMC. (Ord. 539 § 4 (Att. C), 2013; Ord. 361 § 17, 1992).

#### **17.40.090 Outdoor lighting.**

Outdoor lighting is permitted as follows:

- (1) Lighting installed by the town government or installed as a result of agreement among the residents affected;
- (2) Any lighting from incandescent bulbs of 150 watts or less; provided, that spot or flood lamps on any particular property are aimed at points within that property;
- (3) Any lighting shielded in such a way that the illumination of adjoining property is no greater than from an ordinary 150 watt incandescent bulb (not a spot or flood light) installed in the same place;
- (4) Any lighting at least 200 feet from any residence on other property, provided it does not cause unreasonable interference to adjacent neighbors;

(5) No outdoor lighting shall be installed in the town right-of-way without permission from the town;

(6) Any other lighting which causes no denial of any reasonable use or enjoyment of property by a person other than the owner of the lighting. (Ord. 361 § 17, 1992).

## Chapter 17.45

### PLANNED UNIT DEVELOPMENT (PUD)

#### Sections:

- 17.45.010 Principal uses.
- 17.45.020 Purposes.
- 17.45.030 Minimum lot size.
- 17.45.040 Required open space and recreation facilities.
- 17.45.050 Green belt.
- 17.45.060 Site master plan.
- 17.45.070 Project description.
- 17.45.080 Association documents.
- 17.45.090 Phased developments.
- 17.45.100 *Repealed.*
- 17.45.110 *Repealed.*
- 17.45.120 Maximum height.
- 17.45.130 Protection of critical areas.
- 17.45.140 Outdoor lighting.
- 17.45.150 Water and sewer system.
- 17.45.160 Storm drainage system.
- 17.45.170 Pre-application conference and public meeting.
- 17.45.180 Application – Filing and fees.
- 17.45.190 Subdivision – Approval and recording procedures.
- 17.45.200 Improvements.

#### **17.45.010 Principal uses.**

Principal uses are dictated by the underlying zoning district. (Ord. 623 § 3 (Exh. B), 2022; Ord. 539 § 3 (Att. B), 2013; Ord. 361 § 18, 1992).

#### **17.45.020 Purposes.**

The purposes of this chapter include but are not limited to the following:

(1) To allow for creative development equal to or superior to traditional lot-by-lot development;

(2) To preserve open space, natural vegetation, watercourses, wetlands, historic buildings and places and other community values;

(3) To provide more efficient street and utility systems by clustering buildings;

(4) To provide for a variety of housing types in one development with architectural design compatibility;

(5) To provide integrated landscape development;

(6) To provide for the integration of new development into the existing community while protecting and preserving the values of the surrounding neighborhood;

(7) To encourage mixed use development with architectural design compatibility; and

(8) To assure provision of planned pedestrian and bicycle facilities to connect to other communities and to the John Wayne Trail and Iron Horse State Park. (Ord. 539 § 3 (Att. B), 2013; Ord. 361 § 18, 1992).

#### **17.45.030 Minimum lot size.**

PUDs must be located on parcels that are under common ownership or control and are five acres or greater in size. (Ord. 539 § 3 (Att. B), 2013; Ord. 379, 1995; Ord. 361 § 18, 1992).

#### **17.45.040 Required open space and recreation facilities.**

(1) In PUDs, all critical areas and buffers as defined and required by Chapter 16.10 SCEMC shall be protected in open space tracts.

(2) Active and passive recreation opportunities shall be provided within the PUD at a minimum rate of 100 square feet per resident. Minimum assumptions for number of residential units shall be as follows:

- (a) Studios: one resident;
- (b) One bedroom: two residents;
- (c) Two bedrooms: three residents;
- (d) Three or more bedrooms: four residents.

(3) Recreation facilities should be appropriate for the expected population(s) of the development (e.g., seniors and/or children).

(4) At least one recreational facility shall be available within walking distance (maximum one-quarter of a mile) of every dwelling unit. Continuous pedestrian access shall be provided to the facilities, in the form of sidewalks, trails, or pathways.

(5) If the property is adjacent to a public recreational facility or resource, such as the John Wayne Trail, Iron Horse State Park, the

Yakima River, or other public resource, pedestrian pathways shall be provided to connect to the resource.

(6) Recreational facilities and trails shall be provided within protected tracts on the site master plan, or in the case of sidewalks, within the public/private right-of-way.

(7) As part of the PUD application, the applicant shall provide an analysis of the recreational facilities and open space provided for the development. The analysis shall describe the character and size of the proposed recreational facilities, the distance from each residential unit, the number and life stages of residents anticipated, and the number of square feet of recreational area per resident.

(8) The amounts, facilities and locations shall be approved by the town prior to approval of the site master plan. (Ord. 539 § 3 (Att. B), 2013; Ord. 361 § 18, 1992).

#### **17.45.050 Green belt.**

A minimum of 25 feet from perimeter property boundaries will be maintained as a green belt and buffer zone, except where it is determined that like uses should be contiguous and such a buffer is not appropriate. (Ord. 539 § 3 (Att. B), 2013; Ord. 361 § 18, 1992).

#### **17.45.060 Site master plan.**

A site master plan is required prior to any construction for all PUDs and shall include:

(1) The location of all proposed structures;

(2) A detailed landscape plan indicating the location of existing vegetation to be retained, location of vegetation and landscaping structures to be installed, the type of vegetation by common name, and the installed and mature height of all vegetation. Landscaping shall be designed according to "Firewise Landscaping with Native Plants in Upper Kittitas County," prepared by Washington State University Extension Kittitas County Master Gardener Program, as amended;

(3) A discussion of the types of uses, numbers of single-family and multifamily units, and commercial square footages;

(4) Schematic plans and elevations of proposed buildings with samples of all exterior finish material and colors, the type and location of all exterior lighting, signs and accessory structures;

(5) A comprehensive signage program for the entire site including signs for public paths and other identification signs;

(6) Inscriptions, maps, or attachments setting forth the phasing, limitations and conditions of development;

(7) Identification of critical areas and their buffers, along with a critical areas report prepared by a qualified consultant in accordance with Chapter 16.10 SCEMC and WAC 365-195-905(4);

(8) Provisions for public facilities such as street improvements, pedestrian and bicycle paths, utilities, dedicated or open space easements, etc.;

(9) Provisions to accommodate storm drainage and light and glare;

(10) A discussion of consistency with applicable design guidelines; and

(11) Provisions ensuring the development will be in conformance with the site plan. (Ord. 539 § 3 (Att. B), 2013; Ord. 361 § 18, 1992).

#### **17.45.070 Project description.**

A written explanation of the design concept, planned features of the development, measures taken to meet the purposes of PUDs, the proposed sequence and timing of development, the provisions of ownership and management when developed and covenants or other controls which might influence the development and operation or maintenance of the planned unit development shall be submitted with the site master plan. (Ord. 539 § 3 (Att. B), 2013; Ord. 361 § 18, 1992).

#### **17.45.080 Association documents.**

An outline of the documents of the homeowners' association, by-laws, deeds, covenants and agreements governing ownership, maintenance and operation of the planned unit development shall be submitted with the binding site plan. PUD covenants shall include a provision whereby unpaid taxes on all property owned in common shall constitute a pro-

portioned lien on all property of each owner in common. The town may require that it be a third party beneficiary of certain covenants with the right but not obligation to enforce the same. Any development agreements entered into between the applicant and the town shall be attached as appropriate. (Ord. 539 § 3 (Att. B), 2013; Ord. 361 § 18, 1992).

#### **17.45.090 Phased developments.**

If a PUD is planned to be completed in more than two years from the date of preliminary plat/site plan approval, the planned unit development will be divided into phases or divisions of development, numbered sequentially in the order construction is to occur. The binding site plan for each phase shall be approved separately. Each division of development in a multiphase planned unit development shall meet all the requirements of a planned unit development independently. (Ord. 539 § 3 (Att. B), 2013; Ord. 361 § 18, 1992).

#### **17.45.100 Required certificates and approvals.**

*Repealed by Ord. 539.* (Ord. 361 § 18, 1992).

#### **17.45.110 Recording required.**

*Repealed by Ord. 539.* (Ord. 361 § 18, 1992).

#### **17.45.120 Maximum height.**

No dwelling, building or structure shall be more than 35 feet high and shall not be more than two stories in height. (Ord. 623 § 3 (Exh. B), 2022; Ord. 539 § 3 (Att. B), 2013; Ord. 361 § 18, 1992).

#### **17.45.130 Protection of critical areas.**

All PUDs shall be subject to the town's critical areas regulations in Chapter 16.10 SCEMC. (Ord. 539 § 3 (Att. B), 2013; Ord. 361 § 18, 1992).

#### **17.45.140 Outdoor lighting.**

Outdoor lighting is permitted as follows:

(1) Lighting installed by the town government or installed as a result of agreement among the residents affected;

(2) Any lighting from incandescent bulbs of 150 watts or less; provided, that spot or flood lamps on any particular property are aimed at points within that property;

(3) Any lighting shielded in such a way that the illumination of adjoining property is no greater than from an ordinary 150-watt incandescent bulb (not a spot or flood light) installed in the same place;

(4) Any lighting at least 200 feet from any residence on other property, provided it does not cause unreasonable interference to adjacent neighbors;

(5) No outdoor lighting shall be installed in the town right-of-way without permission from the town;

(6) Any other lighting which causes no denial of any reasonable use or enjoyment of property by a person other than the owner of the lighting. (Ord. 539 § 3 (Att. B), 2013; Ord. 361 § 18, 1992).

#### **17.45.150 Water and sewer system.**

All PUDs are required to be served by the town's public water system and sewage system. (Ord. 539 § 3 (Att. B), 2013; Ord. 361 § 18, 1992).

#### **17.45.160 Storm drainage system.**

All PUDs must have a storm drainage system approved by the town engineer. (Ord. 539 § 3 (Att. B), 2013).

#### **17.45.170 Pre-application conference and public meeting.**

Before filing any application for a PUD, the applicant shall submit preliminary plans, sketches, and a project narrative to the planning commission. To the extent possible, the planning commission shall advise the prospective applicant regarding policies, regulations, and requirements pertinent to this project. After the pre-application conference but prior to submittal of a formal PUD application, the prospective applicant must conduct an informal neighborhood meeting to present and review the conceptual development plan and for community members to provide comments. At least seven days' public notice must be given in advance of the meeting. The appli-

cant must submit a summary of the comments received at the meeting with the PUD application. (Ord. 623 § 3 (Exh. B), 2022; Ord. 539 § 3 (Att. B), 2013).

#### **17.45.180 Application – Filing and fees.**

After the pre-application conference, the applicant may file an application for site master plan approval. The site plan shall contain the information outlined in SCEMC 17.45.060. The application shall be accompanied by a nonrefundable filing fee as established by the town. (Ord. 539 § 3 (Att. B), 2013).

#### **17.45.190 Subdivision – Approval and recording procedures.**

Approval of the subdivision shall follow the procedural requirements for preliminary and final plats in Chapter 19.15 SCEMC. (Ord. 539 § 3 (Att. B), 2013).

#### **17.45.200 Improvements.**

Prior to any site work, approval of PUD improvements shall be obtained, and sureties submitted, per Chapter 19.30 SCEMC. (Ord. 539 § 3 (Att. B), 2013).

**Chapter 17.50****CONDITIONAL USES**

## Sections:

17.50.010 Permit required.

17.50.020 Required findings.

17.50.030 General requirements.

17.50.040 Review.

17.50.060 Containers.

**17.50.010 Permit required.**

A conditional use may be approved when authorized by this title. All approved conditional uses shall be authorized by a permit which states the required finding and reasons therefor, the conditions imposed on the use/structure, the location of the conditional use and the time limit, if any. (Ord. 361 § 19, 1992).

**17.50.020 Required findings.**

(1) The proposed use, at the proposed location, is consistent with the purposes of the comprehensive plan, the zoning code and the zone district in which it is to be located and that the proposed use will meet all applicable requirements of this title.

(2) The use, as conditioned, will not be significantly detrimental to the public health, safety and welfare; diminish the value of nearby property of improvements; or disturb persons in the use of property unless the conditional use is a public necessity. (Ord. 361 § 19, 1992).

**17.50.030 General requirements.**

(1) The town shall determine whether the conditional use permit will run with the land. If the conditional use is personal, the permit is nontransferable to other persons. The town may require the permit to be recorded with the county auditor as a covenant on the property.

(2) The conditional use permit must be acted upon within six months from the date of approval or the permit shall expire.

(3) The conditional use permit, even if issued to the person, applies only to the property on which it was issued and may not be transferred to any other property.

(4) A conditional use permit may be denied if the town finds the proposed use cannot meet the required findings. (Ord. 379, 1995; Ord. 361 § 19, 1992).

**17.50.040 Review.**

All conditional use permits will be reviewed yearly by the council before reissuance. (Ord. 379, 1995; Ord. 361 § 19, 1992).

**17.50.060 Containers**

Containers shall meet the following minimum conditions:

(1) Placed only as an accessory structure on a lot with an established primary use.

(2) Placed on a permanent foundation or concrete pad.

(3) Be fully sided with wood or fiber cement siding.

(4) Placed in the rear yard of the primary structure.

(5) Verified to meet all design loads for the town.

(6) Have a minimum 4:12 pitched roof with fully enclosed and sided gable ends in accordance with the siding requirements in subsection (3) of this section. (Ord. 627 § 8, 2022).

**Chapter 17.52****SHORT-TERM RESIDENTIAL  
RENTALS**

Sections:

17.52.010 Short-term residential rentals.

**17.52.010 Short-term residential rentals.**

(1) Purpose. The purpose of this section is to establish the standards under which dwelling units may be rented for a short-term or vacation use not to exceed 30 consecutive days. For the purpose of interpreting and enforcing this section the words “dwelling unit,” “owner” and “short-term rental” shall have the same meaning as is set forth in RCW 64.37.010.

(2) Applicability. Applications for a short-term rental permit shall be processed as a conditional use permit. All short-term rentals shall obtain a permit on an annual basis which will expire on December 31st of the issuing year. The permit shall document conformance with town codes and permitting requirements, and conditions of licensing. Owners of short-term rentals must have and maintain in good standing a town business license. Failure to comply with any of the regulations in this section may result in the suspension or revocation of any permits or licenses and/or civil or criminal penalties.

(a) Permits for short-term rentals are nontransferable upon sale of property.

(b) A separate conditional use permit and business license is required for each property being used for short-term rentals. A property owner may designate an agent to manage the short-term rental(s) on his/her behalf.

(3) Conditions of Approval. All short-term rentals must comply with any applicable development standards, state and town codes and ordinances, and any additional conditions that may be imposed by the town:

(a) The property owner or his/her designee shall maintain on file at Town Hall an up-to-date property management plan, approved by the town, that identifies the property owner and agents authorized to act on the property owner's behalf, including emergency contact

information, and identifies how the property owner will enforce compliance with the terms and conditions of approval. An up-to-date copy shall also be provided by the property owner or his/her designee to all property owners within 100 feet of the site on which the short-term rental is located. Applicant shall provide self-addressed, postage-paid envelopes to the town for this mailing. This information shall also be provided to the entity or agency under contract with the town of South Cle Elum to provide law enforcement services within the incorporated town of South Cle Elum town limits or, in the alternative, the town of South Cle Elum police department and the town of South Cle Elum fire department.

(b) The property owner or his/her designee shall maintain on file at Town Hall an up-to-date site plan, approved by the town, that identifies the location of required off-street parking, refuse, emergency shut-offs, and on-site amenities.

(c) It shall be the responsibility of the property owner or his/her designee to ensure that the users of short-term rentals and any guests comply, at all times, with the terms and conditions of approval, and the South Cle Elum Municipal Code.

(d) It shall be the responsibility of the property owner or his/her designee to promptly investigate and appropriately respond to notifications of violations under this chapter from either the town of South Cle Elum, the entity or agency under contract with the town of South Cle Elum to provide law enforcement services within the incorporated town of South Cle Elum town limits or, in the alternative, the town of South Cle Elum police department or the town of South Cle Elum fire department. Failure to respond shall result in classification as a nuisance under the South Cle Elum Municipal Code and will be subject to a penalty as specified.

(e) The property owner or his/her designee shall maintain on file at Town Hall an up-to-date certificate of inspection documenting that the short-term rental complies with the provisions for transient accommodations in the International Building Code as adopted by the town of South Cle Elum.



(i) It shall be the responsibility of the property owner or his/her designee to schedule and pass an annual safety inspection. Failure to schedule and pass the required inspection within 10 days of permit application shall result in nonissuance of the permit and inability to rent the property.

(ii) The maximum capacity for overnight guests shall be established in accordance with the provisions of the International Building Code as approved by the town.

(f) The property owner or his/her designee shall maintain on file at Town Hall an up-to-date certificate of insurance documenting that the facility is insured as a short-term rental.

(g) The property owner or his/her designee shall be responsible for the collection and payment of all required taxes, fees, and charges and shall provide the town with annual documentation of full compliance in a format prescribed by the town.

(h) Only one short-term rental is allowed per dwelling unit in the downtown business district zone.

(i) The mayor or his/her designee may impose other conditions, such as additional parking, improved access, landscaping, or screening, if found necessary to protect the best interests of the surrounding properties of the neighborhood due to the nature of the short-term rental.

(j) All short-term rentals must maintain compliance with all applicable local, state and federal regulations at all times.

(4) General Provisions.

(a) Parking Requirements.

(i) Each short-term rental in the downtown business district must have a minimum of one additional off-street parking space per rentable bedroom (with a maximum of two additional spaces), in addition to any other off-street parking required by other regulations.

(ii) Off-street parking must be located entirely within the property or parcel boundary and shall not use public right-of-way spaces to meet the minimum requirements.

(iii) Each required parking space shall be a minimum of nine feet wide by 18 feet long. When off-street parking is provided

within an enclosed structure the minimum space size shall be 10 feet wide by 20 feet long.

(iv) During the period from November 1st to the following April 15th, inclusive, otherwise known as the winter snow season, it shall be unlawful for any person to park such motor vehicle on any street, alley, avenue, or road in the town of South Cle Elum for any continuous period exceeding 24 hours; this includes recreational vehicles and trailers; and it shall be the duty of the owner or custodian of such parked motor vehicle to move such vehicle from its parking place prior to the expiration of the said 24-hour period.

(b) Noise. Quiet hours shall be from 10:00 p.m. to 7:00 a.m., or as otherwise provided by town or state regulations, whichever is more stringent.

(5) Short-term rentals are only allowed as a conditional use in the downtown business district (DBD) zone. Short-term rentals are prohibited in all other zones in the town of South Cle Elum. (Ord. 635 § 2 (Exh. A), 2023; Ord. 593 § 1, 2019).

**Chapter 17.55****VARIANCES**

## Sections:

17.55.010 Required findings.

17.55.020 Time limits and variance recorded.

17.55.030 Review.

17.55.040 Applicability.

**17.55.010 Required findings.**

A variance to any requirement of this title, except use and procedural requirements, may only be granted when all of the following required findings are made:

(1) Special Circumstances. Because of special circumstances related to the property, the strict enforcement of the zoning code would deprive the owner of use rights and privileges permitted to the other properties in the vicinity with the same zoning.

(a) Special circumstances include the size, shape, topography, location or surroundings of the property, public necessity of public structures and uses and protection of environmental features such as vegetation, streams, ponds and wildlife.

(b) Special circumstances may not be predicated upon any factor personal to the owner such as age or disability, extra expense which may be necessary to comply with the zoning code, the ability to secure a scenic view, the ability to make more profitable use of the property, nor any factor resulting from the action of the owner or any past owner of the same property.

(2) Special Privilege. The approval of the variance will not grant special privilege to the property in comparison with the limitations upon other properties in the vicinity with the same zoning.

(3) Comprehensive Plan. The approval of the variance will be consistent with the comprehensive plan.

(4) Zoning Code. Approval of the variance will be consistent with the purposes of the zoning code and the zone district in which the property is located.

(5) Not Detrimental. The variance as approved or conditionally approved will not be significantly detrimental to the public health, safety or welfare or injurious to the property or improvements in the vicinity.

(6) Minimum Variance. The approved variance is the minimum necessary to allow the owner the rights enjoyed by other property owners in the vicinity with the same zoning. (Ord. 361 § 20, 1992).

**17.55.020 Time limits and variance recorded.**

The variance must be acted upon within six months from the date of approval or the variance shall expire. All variances and the conditions specified will be recorded with the county auditor and the town clerk-treasurer. (Ord. 361 § 20, 1992).

**17.55.030 Review.**

All variances will be reviewed yearly by the council before reissuance. (Ord. 379, 1995; Ord. 361 § 20, 1992).

**17.55.040 Applicability.**

The variance applies only to the property or an individual for a specific property to which it was granted and may not be transferred to any individual or other property. (Ord. 361 § 20, 1992).

**Chapter 17.60****NONCONFORMING USES,  
STRUCTURES AND LOTS**

## Sections:

- 17.60.010 Continuance of nonconforming uses.
- 17.60.020 Discontinuance.
- 17.60.030 Alteration.
- 17.60.040 Restoration of damage.
- 17.60.050 Continuance of nonconforming lots.
- 17.60.060 Discontinuance of nonconforming lot status.

**17.60.010 Continuance of nonconforming uses.**

Nonconforming uses may be continued if:

(1) The use was lawful at the time it was established. The use has not been discontinued for a period of six consecutive months since the nonconformity was established.

(2) The use has not been enlarged in scope or size in any way, except as required to meet state or federal standards. (Ord. 361 § 21, 1992).

**17.60.020 Discontinuance.**

Nonconforming uses may be discontinued if uses are not conducted in buildings or accessory buildings on the same lot and shall be discontinued within two years of the adoption date of this chapter. (Ord. 361 § 21, 1992).

**17.60.030 Alteration.**

Nonconforming structures may be altered or enlarged if:

(1) Alterations to the structure do not increase the nonconformity in any way;

(2) Alterations are necessary to meet town, state or federal requirements; or

(3) Alterations meet the existing requirements of the zone in which the structure is located. (Ord. 361 § 21, 1992).

**17.60.040 Restoration of damage.**

A nonconforming structure may be restored, if damaged by fire or other hazard, in the same location and dimensions as existed before the

damage occurred, if restoration begins within six months of the date the damage occurred and damage is less than 50 percent of the cost of replacement of the structure using new materials. A future structure or use of the property shall conform to the provisions of this title. (Ord. 361 § 21, 1992).

**17.60.050 Continuance of nonconforming lots.**

Nonconforming lots may be continued if:

(1) The lot was a lawfully established lot at the time the nonconformity was established;

(2) It does not adjoin a lot which has no structure on it and is under the same ownership, if the nonconformity is due to lot size;

(3) All uses of the nonconforming lot comply with all other provisions of this title. (Ord. 361 § 21, 1992).

**17.60.060 Discontinuance of nonconforming lot status.**

(1) A single, nonconforming lot adjoins another, unimproved lot under the same ownership. Such lots shall be merged into one single lot in order to meet the requirements of this chapter.

(2) A nonconforming lot adjoins more than one adjoining unimproved lot under the same ownership. Such lots shall be merged into the least number of lots which most nearly meet the requirements of this chapter. (Ord. 361 § 21, 1992).

**Chapter 17.65**

**EROSION/LANDSLIDE HAZARD ZONE**

(Repealed by Ord. 539)

**Chapter 17.70**

**SIGN CODE**

Sections:

- 17.70.010 Purpose.
- 17.70.020 Definitions.
- 17.70.030 Enforcing official.
- 17.70.040 Right of entry.
- 17.70.050 Board of appeals.
- 17.70.060 Permits.
- 17.70.070 Fees.
- 17.70.080 Removal of signs.
- 17.70.090 Existing signs.
- 17.70.100 Indemnity and insurance.
- 17.70.110 Obscenity.
- 17.70.120 Sign on other's property.
- 17.70.130 Residential areas.
- 17.70.140 Commercial areas.
- 17.70.150 Industrial areas.
- 17.70.160 Business locator.
- 17.70.170 Temporary signs.
- 17.70.180 Nonconforming signs.
- 17.70.190 Off-premises signs.
- 17.70.200 Obstructing official signs.
- 17.70.210 Responsibility of owner.
- 17.70.220 Variances.
- 17.70.230 Violation – Penalty.

**17.70.010 Purpose.**

The purpose of this chapter is to improve the quality of life and to harmonize the residential and business environments in the town. It is intended to reduce signs or advertising distractions and/or obstructions that may continue to be hazards or accidents. This document is designed to recognize the communication needs of the business community and encourage maintenance of those signs, but also to protect the public health, safety, welfare and aesthetics by regulating outdoor signs of all types. (Ord. 384, 1996).

**17.70.020 Definitions.**

Unless otherwise set forth, the following words as used in this chapter shall have the following meanings:

(1) "Changeable copy sign (automatic)" means a sign on which the copy changes automatically on a lamp bank or through mechanical means, e.g., electrical or electronic time and temperature units.

(2) "Double-faced sign" means a sign with two faces.

(3) "Electrical sign" means a sign or sign structure in which electrical wiring, connections or fixtures are used.

(4) "Flashing sign" means a sign which contains an intermittent or sequential flashing light source used primarily to attract attention. It does not include changeable copy signs, animated signs or signs which through reflection or other means, create an illusion of flashing of intermittent light.

(5) "Freestanding sign" means a sign supported upon the ground by poles or braces and not attached to any building.

(6) "Illegal sign" means a sign which does not meet the requirements of this code and which has not received legal nonconforming status.

(7) "Maintenance" means, for purposes of this ordinance, the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

(8) "Nonconforming sign" means:

(a) A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations;

(b) A sign which does not conform to the sign code requirements but for which a special permit has been issued.

(9) "Off-premises sign" means a sign structure advertising an establishment, merchandise, service or entertainment, which is not sold, produced, manufactured or furnished at the property on which the sign is located, e.g., "billboards" or "outdoor advertising."

(10) "Owner" means a person recorded as such on official records. For the purpose of this chapter, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the administrator, e.g., a sign leased from a sign company.

(11) "Projecting sign" means a sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

(12) Sign, Area of.

(a) Projecting and Freestanding. The area of a freestanding or projecting sign shall have only one face (the largest one) of any double-faced or multi-faced sign counted in calculating its area. The area of the sign shall be measured as follows if the sign is composed of one or two individual cabinets:

(i) The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., providing that there is not written advertising copy of such embellishments.

(b) Wall Signs. The area shall be within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined areas of the individual figures shall be considered the total sign area. (Ord. 384 § 2, 1996).

### **17.70.030 Enforcing official.**

The building official is authorized and directed to enforce all the provisions of this code. The mayor or mayor designate shall act as the building official. (Ord. 384 § 3, 1996).

### **17.70.040 Right of entry.**

Upon presentation of proper credentials the building official or his duly authorized representatives may enter at reasonable times any building, structure or premises in the town to perform any duty imposed upon him by this code. (Ord. 384 § 4, 1996).

**17.70.050 Board of appeals.**

In order to provide for reasonable interpretation of the provisions of this code the town council is constituted a board of appeals to which appeals may be made by any person aggrieved by a ruling under this chapter. All appeals must be made to the town council within 10 days after date of the act or ruling appealed from; and the council shall allow the appellant a full hearing therein and decide the appeal without undue delay. (Ord. 384 § 5, 1996).

**17.70.060 Permits.**

(1) Permits Required. No sign shall hereafter be erected, moved, constructed, structurally altered or repaired except as provided by this title and a permit having been duly issued by the sign inspector.

(2) A separate permit shall be obtained for State Electrical Code compliance.

(3) Permits Not Required. Exceptions:

(a) Changing of advertising copy;

(b) Maintenance and cleaning, provided such maintenance and cleaning does not include structural or electrical changes;

(c) On-premises, nonelectrical signs, three square feet or less in size. (Ord. 384 § 6, 1996).

**17.70.070 Fees.**

A schedule of fees covering sign permit fees and plan-checking fees shall be established and amended as desired by resolution of the town council. (Ord. 384 § 7, 1996).

**17.70.080 Removal of signs.**

Any sign now or hereafter existing which, for a period of 60 days, no longer advertises a bona fide business conducted or product sold shall be taken down and removed by the owner, agent or person upon whose premises the sign may be found. Upon failure to comply with this provision, the building official is authorized to cause removal of the sign and any expense incident thereto shall be paid by the owner of the premises or filed as a lien against the property. (Ord. 384 § 8, 1996).

**17.70.090 Existing signs.**

Every sign in existence upon the adoption of this code shall not be altered or moved unless it is made to comply with the provisions of this chapter. Any sign which is not in conformance therewith shall be removed or altered to comply with this chapter within one year following adoption of this chapter; provided, that any sign found to be unsafe or hazardous to public health and safety by the building official shall be removed or repaired immediately, without regard to the one-year compliance period provided for in this section. (Ord. 384 § 9, 1996).

**17.70.100 Indemnity and insurance.**

Whenever a sign projects over a street, right-of-way or in any other way encroaches upon any town property, the owner of the sign shall file with the building official a written agreement to save the town harmless on account of any damage or injuries sustained as a result of the construction, operation or maintenance of the sign; and shall submit proof that he is protected by liability and property damage insurance in a sum not less than \$5,000 property damage and \$20,000 for personal injuries. (Ord. 384 § 10, 1996).

**17.70.110 Obscenity.**

No person shall display on any sign any matter which is immoral or obscene. (Ord. 384 § 11, 1996).

**17.70.120 Sign on other's property.**

No person shall place or maintain a sign on property of another person without first obtaining permission from the owner of the property. (Ord. 384 § 12, 1996).

**17.70.130 Residential areas.**

In areas which are zoned urban residential in the town only the following nameplates and signs shall be permitted, and the following regulations shall apply:

(1) A nameplate, not exceeding two square feet in area, stating title or person practicing a profession, name of building and name of agent;

(2) A bulletin sign, not exceeding 15 square feet in area, erected upon the premises of a church or other institution and stating its activities or services;

(3) A land sales sign, nonilluminated advertising the sale or development of lot subdivisions containing an area not less than seven lots, erected upon the property so developed and advertised for sale; provided, the size of the sign shall not exceed 25 square feet;

(4) A real estate sign, nonilluminated, not exceeding six square feet in area, pertaining to the sale or lease of the premises;

(5) A contractor's sign, nonilluminated, advertising the development or improvement of a property by a builder, contractor or other person furnishing service, materials or labor to the premises; the sign shall not exceed six square feet in area;

(6) No sign shall be erected upon or applied to any roof. The term "sign" as used in this subsection shall not apply to a religious symbol, unaccompanied by lettering, when applied to the cornice, tower or spire of a place of worship;

(7) Permitted illumination of a sign, nameplate or bulletin board shall be of a nonflashing type;

(8) Signs shall be located at least to the legal setback of the property lines;

(9) Signs as referred to in this section and elsewhere in this chapter shall be constructed of durable materials and shall be kept in safe condition and good repair and appearance;

(10) No permit for the erection, construction or maintenance of signs permitted under subsections (3), (4) and (5) of this section shall be issued for a period exceeding one year;

(11) No permit for a billboard, exterior portable sign or exterior wind-operated display or other display with moving parts shall be issued for any residential area. (Ord. 384 § 13, 1996).

#### **17.70.140 Commercial areas.**

In areas which are zoned commercial district (CD) the following regulations apply:

(1) The exterior nameplates or signs on any building shall be as follows:

(a) Projecting signs shall not exceed 100 square feet of area.

(b) Wall signs shall not be regulated as to size.

(c) Freestanding signs shall not exceed 200 square feet of total sign area. Rooftop signs will be considered as "freestanding."

(2) Commercial buildings with multiple occupancy shall comply with subsection (1) of this section.

(3) Sandwich boards and portable signs are allowed under the following conditions:

(a) They shall not exceed two feet in overall width and four feet overall in height;

(b) Must be wind-firm or fastened in some acceptable manner;

(c) May not obstruct more than 20 percent of public right-of-way. A minimum clearance of clear passage shall be four feet.

(4) Signs shall be installed according to Uniform Building and Sign Code and shall not project beyond two-thirds of the distance from the property line to the street right-of-way.

(5) Rapid flashing signs are prohibited. Slow-rolling and automatic changeable copy signs that present no danger or distraction shall conform to subsection (6) of this section.

(6) Signs, lighted or unlighted, which interfere with traffic devices or traffic safety are prohibited, which determination shall be in the sole discretion of the chief of police, Washington State Department of Transportation or the sign inspector.

(7) Signs which imitate official traffic signs or signals as determined solely by the chief of police, Washington State Department of Transportation or sign inspector shall be prohibited.

(8) Total sign height shall not exceed 36 feet measured from top of sign to curb height.

(9) Signs beneath overhangs or awnings shall be considered in subsection (1) and are limited to one foot in height and three feet in length and must have a minimum clearance of eight feet above curb height.

(10) Permanent signs affixed to stationary or inoperable vehicles for the purposes of advertising are prohibited. This is not to include business, company or government entity vehicle identification.

(11) Signs must be installed a minimum of 14 feet above curb height, except signs allowed in subsection (9) of this section. (Ord. 384 § 14, 1996).

#### **17.70.150 Industrial areas.**

In areas which are zoned industrial district (ID), the following regulations apply:

(1) Signs erected in an area zoned industrial shall not exceed 28 square feet nor be higher than six feet above grade.

(2) Buildings having multiple occupancy shall be allowed individual signs as set forth in subsection (1) of this section.

(3) In the event a building is located in such a manner that would allow passing traffic to enter either the front or rear, a sign equal to subsection (1) of this section will be permitted at the rear entrance also.

(4) Rooftop signs shall not be permitted.

(5) Entrance signs to industrial parks need not conform to subsection (1) of this section; however, approval of such signs by the town council is required.

(6) Signs erected at ground level in an area zoned industrial district (ID) must be no more than one-half the distance from the building to the property line.

(7) Electrically lighted signs may be installed in the building, parallel to the building only; electrically lighted signs may not be installed at right angles to the building. (Ord. 384 § 15, 1996).

#### **17.70.160 Business locator.**

Businesses located within the boundaries of the town of South Cle Elum are to be prohibited from erecting either permanent or temporary locator, promotional or directional signs for said business within the limits of the town unless such signs are located on the business property itself and conform to the South Cle Elum sign codes.

(1) All businesses will be limited to one locator-directional sign to be located at the southwest corner of Grant and South Cle Elum Way on a structure, the size of four feet by eight feet, for such purpose, erected and maintained by the town of South Cle Elum or agent of the town.

(2) Sign size will be uniform for all businesses and will measure 60 inches long and 14 inches high.

(3) Businesses will pay the cost of constructing their individual signs in addition to a yearly fee of \$25.00 to cover the costs of erecting and maintaining this structure and the signs attached to it.

(4) Exceptions to this section must be brought before and approved by the town council. (Ord. 394, 1997; Ord. 384 § 16, 1996).

#### **17.70.170 Temporary signs.**

Temporary signs are defined as signs announcing political candidacy, special events or any sign which becomes meaningless due to the passage of time for a period of one year or less. The following regulations apply to temporary signs:

(1) Political signs shall be no larger than nine square feet.

(2) Permission must be obtained from the appropriate property owner to erect a sign for which an individual seeks election to an office or position.

(3) Political signs shall not be erected or displayed more than 90 days prior to an election.

(4) Exterior political signs or event signs shall be removed not more than 15 days following the applicable election or event date.

(5) Yard sale signs shall be placed on a designated place on the business locator board found at Grant Street and South Cle Elum Way. These signs must be removed within three working days of the last event date listed. (Ord. 384 § 17, 1996).

#### **17.70.180 Nonconforming signs.**

(1) A nonconforming sign shall lose its status as a nonconforming sign if:

(a) The sign is relocated or replaced.

(b) The structure or size of the sign is altered in any way. This section shall exclude normal and routine maintenance.

(2) Maintenance. Nonconforming signs shall be subject to all requirements of this chapter regarding safety, maintenance and repair. If the sign suffers more than 50 percent



appraised damage or deterioration, it must be brought into conformance with the chapter or removed.

(3) All signs present on premises in the commercial district and installed prior to April 2, 1996 shall be allowed, except those signs constructed on or interfering with the public right-of-way. (Ord. 384 § 18, 1996).

#### **17.70.190 Off-premises signs.**

(1) Off-premises signs in the commercial district are not allowed except as set forth in subsection (2) of this section.

(2) Existing off-premises signs in the commercial district as of April 2, 1996 shall be considered nonconforming signs hereafter.

(3) Off-premises signs in the urban residential or industrial districts are not allowed, and existing off-premises signs within the urban residential or industrial districts must be removed. (Ord. 384 § 19, 1996).

#### **17.70.200 Obstructing official signs.**

No sign shall be erected in such a manner as to confuse or obstruct the view of motorists on the streets of the town; nor in such manner or to confuse or obstruct the view or interpretation of any official traffic sign signal or device. (Ord. 384 § 20, 1996).

#### **17.70.210 Responsibility of owner.**

This chapter shall not be construed to relieve or lessen the responsibility of any person owning or operating or installing any sign for damages to property or injuries to persons caused by the construction, maintenance or operation of any sign or any defect therein. Nor shall the town or any agent thereof be held or construed as assuming any such liability or responsibility by reason of the permits, fees and inspections provided for in this chapter. The minimum safety requirements and regulations prescribed in this chapter shall not relieve the property owner nor the person constructing or maintaining a sign from the obligation of taking any additional steps necessary to make and keep the sign safe for persons and property. (Ord. 384 § 21, 1996).

#### **17.70.220 Variances.**

Recognizing that there are certain uses of signs that may not be detrimental to the public health, safety, morals and general welfare, depending on the facts of each particular case, such uses may be allowed even though non-conforming, upon special permit from the town council, adopted after written application by the person requesting the sign. Any such permit may be conditional or contain limitations and may be terminated upon a finding by the town council that any such conditions or limitations have been violated. Such special permits may be issued by the town council when there are practical difficulties in the way of carrying out the strict letter of the ordinance, provided that the spirit of the sign ordinance shall be observed, public safety secured and substantial justice done. (Ord. 384 § 22, 1996).

#### **17.70.230 Violation – Penalty.**

It is unlawful for any person, firm, corporation or group to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign or structure in the town, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this chapter. Each such person, firm, corporation or group shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted and upon conviction of any such violation shall be punished as set forth in this chapter. A penalty of \$25.00 per day will be issued for each and every day for any violation of any of the provisions of this chapter committed or continued. (Ord. 384 § 23, 1996).

## **Title 18**

### **LAND USE PERMIT PROCEDURES**

#### **Chapters:**

##### **18.05 Land Use Permits**

**Chapter 18.05****LAND USE PERMITS**

## Sections:

- 18.05.010 Required combined SEPA permit application.
- 18.05.020 Optional combined development permit application.
- 18.05.030 Issuance of determination of completeness.
- 18.05.040 Combined public hearing with other public agencies with jurisdiction over the proposed project.
- 18.05.050 Public hearing – Combined reports.
- 18.05.060 Time limit for permit review and decision.
- 18.05.070 Offices established.
- 18.05.080 Administrator – Authority and duties.
- 18.05.090 Town council – Authority and duties.
- 18.05.100 Appeals.

**18.05.010 Required combined SEPA permit application.**

A combined review and decision process shall be used by the town for all projects requiring SEPA review and a specific development permit. Those projects requiring SEPA review shall be required to submit full application and checklist information for the respective permit and SEPA review. Review and action on the combined SEPA and permit application shall be subject to the 120-day time procedure outlined in SCEMC 18.05.060. The combined public hearing and review procedure shall follow the public hearing process set forth in those sections which apply to the respective permit action requested as contained in this chapter, as hereafter amended. (Ord. 397 § 1, 1998).

**18.05.020 Optional combined development permit application.**

A combined review and decision process may be used for projects requiring multiple development permits, including SEPA review, by request of the applicant. Any requests for a

combined review and decision process shall require submission of the full application information for the individual development permits required by the project, and a completed SEPA checklist, if applicable to the proposed project.

All combined requests must include complete applications which are necessary preconditions for subsequent development; for example, if a building permit includes a SEPA and design review permit, the combined application must include all three actions. (Ord. 397 § 2, 1998).

**18.05.030 Issuance of determination of completeness.**

The administrator shall notify in writing any applicant for a development permit or combined development permits whether or not their applications are complete. Such written notification shall be issued no later than 28 days after the receipt of the first application materials.

If application are not deemed complete, the administrator shall include in the written notice which materials or information is not provided. Subsequent notices of completion shall follow not more than 28 days after receipt by the town of additional information from the applicant.

The date on which the administrator deems the application complete shall be considered the first day of the 120-day review period for the development permit or combined development permit review and decision process.

The administrator shall issue a notice of application to all applicable public agencies with jurisdiction over the proposed project within 14 days after the final determination of completeness. (Ord. 397 § 3, 1998).

**18.05.040 Combined public hearing with other public agencies with jurisdiction over the proposed project.**

The applicant for a development permit from the town may request that one open record public hearing be held between the town and any public agency with jurisdiction. The intention of such combined public hearing

would be to supply the different public agencies with the same public record for their separate review and decision-making process.

Such request for a combined public hearing shall be subject to mutual agreement between the applicant and the town as to the timing of the public hearing and the expense related to compiling the record required by the various public agencies involved. (Ord. 397 § 4, 1998).

#### **18.05.050 Public hearing – Combined reports.**

The town shall conduct no more than one open record public hearing and one closed record public hearing on any development permit or combined development permit application, including any appeals which are directed to the town council for action.

After the date of the public hearing, the applicant may request the administrator to issue a combined report listing any decisions or recommendations made on the development permit or combined development permit as of the date of the report. The applicant may request such report a maximum of two separate times after the date of the public hearing. (Ord. 397 § 5, 1998).

#### **18.05.060 Time limit for permit review and decision.**

The town shall complete the necessary review and issue decisions on development permits or combined development permit applications no later than 120 days after the date the applications are deemed complete by the administrator. Such 120-day time limit applies to all review bodies or individuals who have review and decision authority under the applicable ordinance provisions of the town.

Completion of permit(s) review and decisions within the above 120-day limit shall not apply in the following instances:

(1) If the applicant has been notified by the local government to correct plans, perform required studies, or provide additional information, the 120-day review/decision period shall be stopped during the period of time

between notification to the applicant of additional information required and receipt by the town of the required information.

(2) If the SEPA review committee requires the development of an environmental impact statement on the proposed project or action, the 120-day review period shall resume 14 days after acceptance of the final environmental impact statement by the SEPA committee.

(3) If the town and the applicant mutually agree to an extension of time for the review and decision-making process.

(4) If the permit applications require an amendment to the comprehensive plan or any applicable development regulations.

(5) If, in the opinion of the respective decision-making authority, the permit applications undergo substantial revision by the applicant. In such cases, the 120-day review period shall recommence from the date that the revised permit application is deemed to be complete.

(6) During the period of time that appeals are heard and decided either by the town council or the superior court.

In no instances shall the applicant for a development permit or combined development permit attempt to hold the town liable for damages to the city's failure to make final decisions within the time limits contained in this section or the time limits contained in Section 413 of Engrossed Substitute House Bill 1724, Chapter 347, Laws of 1995, Revised Code of Washington. (Ord. 397 § 6, 1998).

#### **18.05.070 Offices established.**

The town attorney shall be that person designated by the town mayor as the administrator responsible for the administration and enforcement of the various land use development permits in the town of South Cle Elum. The town council shall be that entity designated by the town council as the entity responsible to hear and decide upon appeals made to design review such as permits, SEPA committee determinations, and conditional use permits. (Ord. 397 § 7, 1998).

**18.05.080 Administrator – Authority and duties.**

The administrator shall have the following authority and responsibilities:

- (1) Receive and determine when permit applications are complete.
- (2) Schedule public hearings required for the permit review before the applicable decision-making body.
- (3) Maintain and distribute the recorded and written public record upon request.
- (4) Ensure that all applicable time limits are either met, or made known to both the applicant and the respective decision-making body.
- (5) Ensure that all fees are collected from the applicant.
- (6) Ensure that all required public notifications for permit review are accomplished.
- (7) Review and make final decisions on all boundary line adjustment applications.
- (8) Coordinate the staff review of permit applications and insure that all written staff comments and recommendations on permits are made part of the public record. (Ord. 397 § 8, 1998).

**18.05.090 Town council – Authority and duties.**

The town council shall have the following authority and responsibilities:

- (1) Hear, make a public record of, and decide appeals filed which contest final land use permit decisions made by the administrator for boundary line adjustments, State Environmental Policy Act (SEPA) determinations, design review permits, and conditional use permits.
- (2) Conduct no more than one closed record public hearing in the course of hearing and deciding upon any appeal made for the above land use decisions.
- (3) Develop, maintain and make available upon request, files which contain the relevant permit appeal forms, document and public record.
- (4) Ensure that all necessary public notification to members of the public, appellants and applicable town decision-making body is carried out during the course of hearing and deciding appeals. (Ord. 397 § 9, 1998).

**18.05.100 Appeals.**

Appeals to decisions rendered on applications for regular plat subdivisions and zoning ordinance amendments shall be made to superior court. Appeals to decisions rendered on applications made for design review board permits, preliminary short subdivisions, SEPA checklist determinations, conditional use permits, and boundary line adjustment permits shall be made to the town council. The following procedures shall be used in the course of the town council hearing and deciding upon such appeals:

(1) Applicants or individuals receiving the required public notices for land use permits, or residents of the town of South Cle Elum, may appeal the applicable final land use permit decisions. Such appeals shall be filed in writing with the town council within 10 working days of the issuance of the applicable land use decision of the town. Further, such appeals shall be accompanied by a nonrefundable fee, as established by the town by resolution, in order for the appeal to be complete.

(2) The town council shall schedule time for a public hearing on the appeal, and shall conduct such public hearing for the purpose of gathering facts, testimony and compiling a public record upon which the town council's decision on the appeal shall be based.

(3) The time, date and place of the scheduled public hearing shall be communicated in writing to both the appellant and the respective town decision-making body which decision is the subject of the appeal. Both the appellants and the town shall be allowed a minimum of 10 working days to prepare material for presentation at the public hearing on the appeal.

(4) The decision of the town council, on all appeals, shall be based upon the public record, as well as relevant portions of the town code which pertain to the permit or project subject to the appeal request.

(5) The town council may either affirm the appeal, deny the appeal, or affirm part and deny part of the appeal request. If the town council's decision denies in whole, or part, the permit decision, the town council's decision shall be used by the town to issue or deny the land use permit subject to the appeal decision.

(6) The town council shall transmit the written decisions along with findings and conclusions based upon the public record to the appellants and respective town decision-making body not more than 30 days after the date of the public hearing.

(7) The timely filing of an appeal under this chapter shall stay the effective date of the final land use permit decision until a written decision, findings and conclusions are produced and distributed by the town council. (Ord. 631 § 3, 2022; Ord. 471 Exh. A, 2006; Ord. 397 § 10, 1998).

## **Title 19**

### **SUBDIVISIONS**

#### **Chapters:**

**19.05 General Provisions**

**19.10 Definitions**

**19.15 Subdivision Procedures**

**19.20 Submittal Requirements**

**19.25 Subdivision General Requirements and Minimum Standards**

**19.30 Improvements**

**19.35 Conformance Required**

**Chapter 19.05****GENERAL PROVISIONS**

## Sections:

- 19.05.010 Title.
- 19.05.015 Purpose.
- 19.05.020 Applicability.
- 19.05.025 Exemptions.
- 19.05.030 Authority.

**19.05.010 Title.**

This title shall be hereinafter known as the South Cle Elum subdivision code. (Ord. 462 § 1, 2005).

**19.05.015 Purpose.**

The purpose of this title is to provide for the orderly subdivision of land within the town of South Cle Elum. (Ord. 462 § 1, 2005).

**19.05.020 Applicability.**

This section shall apply to the division of land into two or more lots, unless specifically exempted below. (Ord. 462 § 1, 2005).

**19.05.025 Exemptions.**

The provisions of this title shall not apply to:

- (1) Adjusting boundary lines in a manner which does not create any additional lots or tracts nor create any lot which contains insufficient area or dimensions to meet minimum requirements for a building site under the town zoning code;
- (2) Division of land where no lot is less than 20 acres;
- (3) Divisions made by testamentary provisions or the laws of descent;
- (4) Cemeteries and other burial plots while used for that purpose;
- (5) Other exemptions available under RCW 58.17.040. (Ord. 462 § 1, 2005).

**19.05.030 Authority.**

The town council, hereafter referred to as the council, is vested with the duty of administering subdivision regulations within the town, and may prepare and require the use of such forms as are essential to the administration of this title. (Ord. 462 § 1, 2005).

**Chapter 19.10****DEFINITIONS**

## Sections:

- 19.10.005 General.
- 19.10.010 Alley.
- 19.10.015 Applicant.
- 19.10.020 Arterial.
- 19.10.030 Block.
- 19.10.040 Commission.
- 19.10.050 Comprehensive plan.
- 19.10.060 Council.
- 19.10.070 Cul-de-sac.
- 19.10.080 Dedication.
- 19.10.090 Easement.
- 19.10.100 Lot.
- 19.10.110 Plat.
- 19.10.120 Plat certificate.
- 19.10.130 Plat, final.
- 19.10.140 Plat, preliminary.
- 19.10.150 Short subdivision.
- 19.10.160 Subdivision.
- 19.10.170 Subdivision road, major.
- 19.10.180 Subdivision road, minor.

**19.10.005 General.**

Certain words and terms used in this title are defined in this chapter. Words not defined shall be presumed to have common and universally accepted dictionary meanings. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular; the word “shall” is always mandatory, and the word “may” indicates a use of discretion in making a decision. (Ord. 462 § 1, 2005).

**19.10.010 Alley.**

“Alley” means a public or private strip of land which is permanently reserved, serving as a secondary means of access to abutting property. (Ord. 462 § 1, 2005).

**19.10.015 Applicant.**

“Applicant” means a person, including a corporate person, who undertakes to create a subdivision. (Ord. 462 § 1, 2005).



**19.10.020 Arterial.**

“Arterial” means any road so designated in the comprehensive plan or designated as such by the planning commission during preliminary hearing. (Ord. 462 § 1, 2005).

**19.10.030 Block.**

“Block” means a group of lots, tracts, or parcels within well-defined and fixed boundaries. (Ord. 462 § 1, 2005).

**19.10.040 Commission.**

“Commission” means the planning commission of the town. (Ord. 462 § 1, 2005).

**19.10.050 Comprehensive plan.**

“Comprehensive plan” means the current comprehensive plan of the town of South Cle Elum. (Ord. 462 § 1, 2005).

**19.10.060 Council.**

“Council” means the town council. (Ord. 462 § 1, 2005).

**19.10.070 Cul-de-sac.**

“Cul-de-sac” means a road closed at one end by a circular area of sufficient size for turning vehicles around. (Ord. 462 § 1, 2005).

**19.10.080 Dedication.**

“Dedication” means the deliberate appropriation of land by an owner for any general and public uses, reserving no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. (Ord. 462 § 1, 2005).

**19.10.090 Easement.**

“Easement” means a grant by a property owner to specific persons or to the public to use land for a specific purpose or purposes. (Ord. 462 § 1, 2005).

**19.10.100 Lot.**

“Lot” means a fractional part of subdivided lands having fixed boundaries, being of sufficient area and dimension to meet minimum

zoning requirements for width and area. The term shall include tracts or parcels. (Ord. 462 § 1, 2005).

**19.10.110 Plat.**

“Plat” means a map or visual representation of a subdivision or short subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, roads and alleys or other divisions and dedications. (Ord. 462 § 1, 2005).

**19.10.120 Plat certificate.**

“Plat certificate” means a certificate showing ownership of land proposed for subdivision or short subdivision, including all encumbrances thereon. (Ord. 462 § 1, 2005).

**19.10.130 Plat, final.**

“Final plat” means the final plat or final subdivision drawing and dedication prepared for council approval and filing for record with the county auditor. (Ord. 462 § 1, 2005).

**19.10.140 Plat, preliminary.**

“Preliminary plat” means the preliminary plat or preliminary subdivision drawing and dedication prepared for preliminary council approval. (Ord. 462 § 1, 2005).

**19.10.150 Short subdivision.**

“Short subdivision” means the division of land into two or more, but no more than four, lots for the purpose of sale, lease or transfer of ownership. (Ord. 462 § 1, 2005).

**19.10.160 Subdivision.**

“Subdivision” means the division of land into five or more lots for the purpose of sale, lease or transfer of ownership. (Ord. 462 § 1, 2005).

**19.10.170 Subdivision road, major.**

“Major subdivision road” means a road within a subdivision which provides for primary circulation therein and which may provide access to adjacent lands. Designation as a major road shall be made by the planning commission during preliminary hearing. (Ord. 462 § 1, 2005).

**19.10.180 Subdivision road, minor.**

“Minor subdivision road” means a road within a subdivision which serves as a collector for the major subdivision road or for an adjacent town road. Such roads are commonly dead-end or cul-de-sac roads and serve few lots. Designation as a minor road shall be made by the planning commission during preliminary hearing. (Ord. 462 § 1, 2005).

**Chapter 19.15****SUBDIVISION PROCEDURES**

## Sections:

- 19.15.010 General.
- 19.15.015 Preliminary plat procedures.
- 19.15.020 Final plat procedures.
- 19.15.025 Preliminary short subdivision procedures.
- 19.15.030 Final short subdivision.

**19.15.010 General.**

All subdivisions must comply with the standards and regulations of this title. Preliminary plat approval is required prior to construction of improvements. Improvements must be constructed or a guarantee and security provided for such improvements prior to final plat approval. All subdivisions shall be recorded with Kittitas County. (Ord. 462 § 1, 2005).

**19.15.015 Preliminary plat procedures.**

The procedures for processing a preliminary plat application are as follows:

(1) Determination of Complete Application.

(a) The town clerk shall review or appoint staff to review preliminary plat applications for completeness according to SCEMC 19.20.010 in accordance with the procedures of SCEMC 18.05.030. Within 28 days after receiving a preliminary plat application, written notification shall be mailed or provided in person to the applicant, stating either:

(i) That the application is complete and will be processed accordingly; or

(ii) That the application is incomplete and what information is necessary to make the application complete.

(b) A preliminary plat application is complete when it meets the submittal requirements of SCEMC 19.20.010.

(c) The determination of completeness shall not preclude the town from requesting additional information or studies if new information is required to continue evaluation of the proposed subdivision.

(d) An incomplete application shall expire after 180 calendar days unless all of the

requested information is submitted prior to the expiration date.

(2) Public Notice. Upon acceptance of the preliminary plat application as complete, the town shall set a date for an open record public hearing before the planning commission and issue notice of such hearing.

(a) Informal notice shall be mailed to owners of property within 300 feet of the proposed subdivision.

(b) Legal notice, including a vicinity map and description of the proposal, shall be:

(i) Published not less than 10 days prior to the hearing in the official newspaper of the town;

(ii) Posted on the official bulletin board of the town.

(3) Routing and Review. To the extent known, the town clerk shall identify local, state, or federal departments or agencies that may have jurisdiction over, or interest in, the subdivision application. The town clerk shall forward copies of the preliminary plat application to such entities.

(a) All reviewing departments and agencies shall review the preliminary plat and return their comments to the town clerk within 15 days.

(b) Failure to report within the designated comment period shall be interpreted to indicate that the proposed subdivision will not adversely affect the department or agency notified.

(4) Planning Commission Recommendation.

(a) At an open record public hearing, the planning commission shall consider all relevant evidence and evaluate whether the proposed subdivision:

(i) Complies with the comprehensive plan:

(A) Specifically, that the proposed subdivision is consistent with the uses and densities in the comprehensive plan area designations;

(ii) Complies with the town code;

(iii) Includes appropriate provisions for access, drainage, utilities, fire protection, open space, school sites and other public and private facilities and improvements.

(b) Any hearing may be continued at the discretion of the commission.

(c) Not later than 14 days following conclusion of the open record hearing, the commission shall submit its written report and recommendations to the legislative body. The commission may recommend that the proposed plat be approved, approved with conditions or disapproved. Recommended conditions of approval shall be precisely recited in the commission's report.

(d) Records of the commission hearings on preliminary plats shall be kept by the town clerk and shall be open to public inspection.

(5) Council Decision. Upon receipt of the commission's recommendation, the council shall, at its next regularly scheduled public meeting, set the date for a closed record hearing at which the council shall consider the commission's recommendation on the proposed subdivision.

(a) At the hearing, the council shall review the recommendations of the planning commission and any other relevant evidence presented to it.

(b) The council shall approve, conditionally approve, or disapprove the preliminary plat. All conditions of approval shall be precisely stated in the council's decision.

(6) Expiration. A final plat meeting all requirements of this title shall be submitted to the town for approval within three years of the date of preliminary plat approval.

(a) An applicant who files a written request with the town at least 30 days before the expiration of this three-year period may be granted a single one-year extension upon a showing that a good faith attempt has been made to submit the final plat within the three-year period. (Ord. 462 § 1, 2005).

#### **19.15.020 Final plat procedures.**

The procedures for processing a final plat application are as follows:

(1) Determination of complete application.

(2) The town clerk shall review final plat applications for completeness according to SCEMC 19.20.010 in accordance with the procedures of SCEMC 18.05.030. Within 28 days

after receiving a final plat application, written notification shall be mailed or provided in person to the applicant, stating either:

(a) That the application is complete and will be processed accordingly; or

(b) That the application is incomplete and what is necessary to make the application complete.

(i) An incomplete application shall expire after 180 calendar days unless all of the requested information is submitted prior to the expiration date.

(3) Planning Commission Recommendation.

(a) The planning commission shall evaluate the final plat at an open public hearing to determine:

(i) Whether conditions of preliminary plat approval have been met;

(ii) Whether the required improvements have been installed or a guarantee and security has been filed to assure their installation;

(iii) Whether the requirements of state law and this title have been satisfied by the applicant;

(iv) The commission shall recommend approval or disapproval of the proposed final plat and communicate its decision in writing to the council and the applicant.

(4) Council Decision.

(a) Approval by the council shall be by resolution and set forth all conditions by which approval is granted. The mayor and clerk shall sign the mylars and affix the town seal to represent final council approval.

(b) The planning commission and applicant shall be notified in writing of the council's action on the final plat.

(c) If the final plat is denied, the mylars shall be returned to the applicant with a statement of the council's reason for denial.

(5) Recording. If the council approves the plat, the clerk shall send the mylars to the county to be recorded with the appropriate county officials. A certified copy of the plat shall be returned to the town and filed by the clerk.

(6) Appeals. Appeals of a council decision of a preliminary plat or final plat shall be conducted in accordance with SCEMC 18.05.100. (Ord. 462 § 1, 2005).

### **19.15.025 Preliminary short subdivision procedures.**

The procedures for processing a preliminary short subdivision application are as follows:

(1) Determination of Complete Application.

(a) The town clerk shall review or appoint staff to review preliminary short subdivision applications for completeness according to SCEMC 19.20.010 in accordance with the procedures of SCEMC 18.05.030. Within 28 days after receiving a preliminary plat application, written notification shall be mailed or provided in person to the applicant, stating either:

(i) That the application is complete and will be processed accordingly; or

(ii) That the application is incomplete and what information is necessary to make the application complete.

(b) A short subdivision application is complete when it meets the submittal requirements of SCEMC 19.20.010.

(c) The determination of completeness shall not preclude the town from requesting additional information or studies if new information is required to continue evaluation of the proposed subdivision.

(d) An incomplete application shall expire after 180 calendar days unless all of the requested information is submitted prior to the expiration date.

(2) Public Notice. Upon acceptance of the short subdivision as complete, the town shall issue public notice:

(a) Informal notice shall be mailed to owners of property within 300 feet of the proposed subdivision.

(b) Legal notice, including a vicinity map and description of the proposal, shall be:

(i) Published in the official newspaper of the town;

(ii) Posted on the official bulletin board of the town.

(3) Routing and Review. To the extent known, staff shall identify local, state, or federal departments or agencies that may have jurisdiction over, or interest in, the subdivision application. The staff shall forward copies of the preliminary plat application to such entities.

(a) All reviewing departments and agencies shall review the preliminary plat and return their comments to the administrator within 15 days.

(b) Failure to report within the designated comment period shall be interpreted to indicate that the proposed subdivision will not adversely affect the department or agency notified.

(4) Staff Decision.

(a) Staff shall consider all relevant evidence and evaluate whether the proposed short subdivision:

(i) Complies with the comprehensive plan:

(A) Specifically, that the proposed subdivision is consistent with the uses and densities in the comprehensive plan area designations;

(ii) Complies with the town code;

(iii) Includes appropriate provisions for access, drainage, utilities, fire protection, open space, school sites and other public and private facilities and improvements.

(b) The staff may decide that the proposed short subdivision be approved, approved with conditions or disapproved. Conditions of approval shall be precisely recited in the staff report.

(c) Not later than 14 days following the staff's decision, the town shall publish its written report in the town newspaper and provide copies to parties of record.

(d) Records of the staff findings shall be kept by the clerk of the council and shall be open to public inspection.

(5) Appeals. Appeals of a staff decision on a short subdivision may be made to the town council in accordance with SCEMC 18.05.100.

(6) Expiration. A final short subdivision meeting all requirements of this title shall be submitted to the town for approval within three years of the date of preliminary subdivision approval.

(a) An applicant who files a written request with the town at least 30 days before the expiration of this three-year period may be granted one one-year extension upon a showing that a good faith attempt has been made to submit the final plat within the three-year period. (Ord. 462 § 1, 2005).

### **19.15.030 Final short subdivision.**

The procedures for processing a final short subdivision application are as follows:

(1) Determination of Complete Application.

(a) The town clerk shall review or appoint staff to review final short subdivisions for completeness according to SCEMC 18.05.030. Within 28 days after receiving a short subdivision application, written notification shall be mailed or provided in person to the applicant, stating either:

(i) That the application is complete and will be processed accordingly; or

(ii) That the application is incomplete and what is necessary to make the application complete.

(A) An incomplete application shall expire after 180 calendar days unless all of the requested information is submitted prior to the expiration date.

(b) A final short subdivision shall be deemed complete when it meets SCEMC 19.20.010.

(c) A determination of completeness shall not preclude the town from requesting additional information necessary for evaluating the final short subdivision.

(d) Staff Review.

(i) Staff shall review the final short subdivision to determine:

(A) Whether conditions of preliminary short subdivision approval have been met;

(B) Whether the required improvements have been installed or a guaran-

tee and security has been filed to assure their installation;

(C) Whether the requirements of state law and this title have been satisfied by the applicant.

(2) Staff Decision.

(a) Approval by the staff shall be in a written report which sets forth all conditions by which approval is granted. The clerk shall sign the mylars and affix the town seal to represent the town's approval.

(b) If the final plat is denied, the mylars shall be returned to the applicant with a statement of the staff's reason for denial.

(c) The staff shall forward notice of the town approval or disapproval of the proposed short subdivision and communicate its decision in writing to the council and the applicant.

(3) Recording. If the town approves the plat, the clerk shall send the mylars to the county to be recorded with the appropriate county officials. A certified copy of the plat shall be returned to the town and filed by the clerk.

(4) Redivision. Within a five-year period following the recording of a short subdivision in accordance with the provisions of this title, property within a short subdivision may not be further divided through the short subdivision process if it would result in more than a total of four lots. However, any revision of the lot lines of an approved short subdivision in which the total number of lots is not increased shall not be considered a further division. (Ord. 462 § 1, 2005).

## Chapter 19.20

### SUBMITTAL REQUIREMENTS

Sections:

19.20.010 Preliminary plats and preliminary short subdivisions.

19.20.015 Final plats and final short subdivisions.

#### 19.20.010 Preliminary plats and preliminary short subdivisions.

Any person desiring to subdivide land shall prepare and submit at least eight copies of a preliminary plat application, meeting the requirements of this section, to the town clerk or designee. Unless waived or modified by the town, the following submittal items shall be required for a preliminary subdivision application to be accepted for review:

(1) Project Narrative. The applicant shall provide a clear and concise description of the proposed subdivision, including:

(a) Name and contact information of owner;

(b) Name and contact information of applicant, if different from owner;

(c) Project name and location;

(d) Zoning designation of the site and adjacent properties;

(e) Comprehensive plan designation of the site and adjacent properties;

(f) Current use of the site and any existing improvements;

(g) Special site features (i.e., wetlands, water bodies, steep slopes);

(h) Proposed number, size, and density of the new lots;

(i) Proposed use of the new lots;

(j) Explanation of any land to be dedicated to the town;

(k) Any modifications to standards being requested.

(2) Survey. The applicant shall provide a survey of existing conditions, completed by a licensed surveyor, submitted on 18-by-24-inch sheets drawn at a scale approved by the town, and including the following data:

(a) Legal description of land surveyed;

(b) Date of survey, graphic scale, and north arrow;

(c) Contour lines at intervals of two feet or less for slopes greater than five percent, five-foot intervals for slopes 10 percent or greater;

(d) Location, width and type of all roads, streets, alleys, easements, and rights-of-way on and adjacent to the proposed subdivision;

(e) Location of all marshes, water courses, and areas subject to flooding;

(f) Existing uses and location of all structures on the property.

(3) Preliminary Plat Drawing. A preliminary plat drawing shall be submitted on 18-by-24-inch sheets drawn at a scale of one inch equals 100 feet or other scale approved by the town and include the following data:

(a) Name of proposed subdivision and space for town file number;

(b) Location of subdivision by section, township, range, county and state;

(c) Legal description of land contained within the subdivision;

(d) Name(s) and address of the surveyor, engineer, and all property owners;

(e) Date of survey, graphic scale, and north arrow;

(f) Vicinity map;

(g) Drawing of the subject property with all existing and proposed property lines dimensioned;

(h) Names, locations, types, and dimensions of existing and proposed streets, alleys, and easements;

(i) Location and dimensions of all existing easements referenced in the plat certificate with recording number and type of easement indicated;

(j) Location and dimensions of any existing structures.

(4) Vicinity Map. The applicant shall provide a vicinity map showing the location of the subject site relative to property boundaries of surrounding parcels. The map shall clearly identify the subject site and include at least two cross streets in all directions.

(5) Certificate of Title. A certificate of title of the property proposed to be platted shall be submitted with the plat. Said title certificate shall show unencumbered fee simple title in the proponents of the plat.

(6) Utility Narrative. A statement regarding the proposed sewage disposal, water supply, and drainage improvements for the subdivision. When determined necessary by the town engineer, the utility narrative will include a snow storage plan for any public rights-of-way or roadway easements within the proposed plat.

(7) List of Adjacent Owners. Names and addresses of all adjacent property owners within 300 feet of the proposed subdivision.

(8) Road Profile. Proposed road plans and profiles prepared by a licensed engineer.

(9) Soil Log. One soil log shall be performed and data submitted for every five acres of land in the proposed subdivision. Logs shall be for at least a seven-foot depth and shall indicate water table depth.

(10) Any additional information requested by the staff, commission, or council. (Ord. 462 § 1, 2005).

#### **19.20.015 Final plats and final short subdivisions.**

After constructing required improvements and complying with conditions of preliminary plat or preliminary short subdivision approval, the applicant may submit for final plat or final short subdivision approval. The final plat or final short subdivision shall conform substantially to the preliminary plat, as approved. Unless waived or modified by the town, the final subdivision or short subdivision submittal shall contain two copies of the following:

(1) Final Plat Drawing. The final plat drawing shall be drawn in a neat and legible manner on 18-by-24-inch sheets of polyester film, mylar, or other similar material with a one-inch blank margin on each side of the drawing. The plat shall be drawn at a scale of one inch equals 100 feet, unless otherwise approved by the director, and contain the following:

(a) Name of proposed subdivision and space for town file number;

(b) Location of subdivision by section, township, range, county and state;

(c) Legal description of land contained within the subdivision;

(d) Name(s) and address of the surveyor, engineer, and all property owners;

(e) Date of survey, graphic scale, and north arrow;

(f) Vicinity map;

(g) Drawing of the subject property with all existing and proposed property lines dimensioned;

(h) Names, locations, types, and dimensions of existing and proposed streets, alleys, and easements;

(i) Location and dimensions of all existing easements referenced in the plat certificate with recording number and type of easement indicated;

(j) Location and dimensions of any existing structures;

(k) Lot numbers and sizes;

(l) Location of all monuments found or established within the subdivision;

(m) All surrounding property shown in dotted lines and letters with names of plats, roads, canals, etc.; if unplatted, it shall be so indicated.

(2) Vicinity Map. A vicinity map with a scale of approximately four inches equals one mile showing the boundary of the plat in relation to the surrounding area such as adjacent subdivisions, rivers, creeks, roads or highways, canals, etc.

(3) Certificate of Title. A certificate of title of the property proposed to be subdivided shall be submitted with the plat. Said title certificate shall show unencumbered fee simple title in the proponents of the plat.

(4) Lot Closures. Complete field calculations and computations noted for the plat and details of all distances, angles, and calculations with information on the error of closure. The error shall not be more than one foot in 5,000 feet, together with the acreage of each lot.

(5) Adjacent Owners. Names of owners of land adjacent to the subdivision within 300 feet, and the names of any adjacent subdivisions.

(6) Certificates of Approval. The following certificates and statements of approval must be included on the final plat:

(a) Certification by a registered professional engineer and/or registered land surveyor that the plat represents a survey made by him/her, or made under his/her supervision, and that the monuments shown thereon actually exist as located and all dimensional and other details, such as curve data, are correct;

(b) Certification of the adoption of the plat and the dedication of streets and other public places by the owners of the land;

(c) Certification statement from the town's engineer stating that requirements have been fully met, or suitable guarantee and security filed to cover estimated cost of work;

(d) Certification of the town clerk that there are no delinquent taxes, special assessments, or liens outstanding against the property;

(e) Certification statement from the health department that the sewage and water systems of the plat comply with health department requirements;

(f) Space for approval of the council by date and signature of the mayor and space for the signature of the clerk and town seal.

(7) Confirmation of Compliance with Conditions of Approval. List of conditions of approval and explanation of how each condition has been complied with.

(8) Statement of Improvement Installation. Statement that the required improvements have been completed in compliance with this title or evidence of a guarantee and security filed in accordance with SCEMC 19.30.080 securing to the town the construction and installation of the improvements within a fixed time set by the council.

(9) Protective Covenants. If applicable, protective covenants or other documents to sufficiently inform potential buyers of water supply, sewage disposal requirements, building requirements and irrigation water rights.

(10) Any additional information requested by the staff, commission, or council. (Ord. 462 § 1, 2005).



**Chapter 19.25****SUBDIVISION GENERAL  
REQUIREMENTS AND MINIMUM  
STANDARDS**

## Sections:

- 19.25.010 Streets – General.
- 19.25.015 Road names.
- 19.25.020 Layout.
- 19.25.030 Lot size.
- 19.25.040 Minimum lot street frontage.
- 19.25.050 Corner lots.
- 19.25.060 Shape.
- 19.25.070 Subdivision blocks – Minimum length.
- 19.25.080 Subdivision blocks – Maximum length.
- 19.25.090 Crosswalks required.
- 19.25.100 Easements required.
- 19.25.110 General easement standards.

**19.25.010 Streets – General.**

Roads shall be so designed as to assure traffic safety, efficient circulation, and control. The road circulation system within a proposed subdivision shall be designed for the most advantageous development of the entire neighborhood or area and provide for access to adjacent properties whenever such provision is reasonable and practical. (Ord. 462 § 1, 2005).

**19.25.015 Road names.**

No road names shall be used which will duplicate or be confused with the names of existing roads. Road names shall be subject to the approval of the council. (Ord. 462 § 1, 2005).

**19.25.020 Layout.**

Where beneficial to the neighborhood pattern, existing streets in adjoining subdivisions shall be continued in a manner consistent with the width and alignment of the existing streets at the discretion of the town council based on a recommendation of the planning commission.

(1) Lot Access. Every lot shall be provided with satisfactory access to a dedicated road. Lots adjacent to arterial roads shall be provided with access other than the arterial road, where possible.

(2) Minimum Width Requirements.

(a) Arterial: 80 feet for right-of-way, 60 feet for pavement.

(b) Major subdivision road: 80 feet for right-of-way, 50 feet for pavement.

(c) Minor subdivision road: 50 feet for right-of-way, 40 feet for pavement.

(3) Grades. Street grades shall conform in general to the terrain and shall not exceed 11 percent. Street grades shall be designed to provide natural surface drainage of storm water regardless of the presence or absence of storm sewers. Depressions and inverts prone to flooding shall be avoided.

(4) Cul-de-Sacs. Dead-end streets shall not exceed 400 feet in length and shall have a turn-around with a right-of-way not less than 90 feet in diameter and pavement not less than 70 feet in diameter at the closed end.

(5) Intersections. Intersections shall be designed so as to ensure safe usage. To the extent possible:

(a) Intersections of minor streets with major streets shall be minimized.

(b) Four-way intersections of minor streets shall be avoided.

(c) Street intersections shall be at right angles.

(6) Secondary Access Required. Subdivisions containing 40 or more lots shall contain at least two ingress-egress routes which are interconnected. Subdivisions containing fewer than 40 lots shall be subject to review of the egress routes. When determined necessary by the town engineer, more than one egress route shall be required. (Ord. 462 § 1, 2005).

**19.25.030 Lot size.**

Lot sizes shall comply with applicable zoning, health, and sanitation codes. (Ord. 462 § 1, 2005).

**19.25.040 Minimum lot street frontage.**

Every lot shall abut on a dedicated and improved street for a minimum of 20 feet. (Ord. 462 § 1, 2005).

**19.25.050 Corner lots.**

Corner lots shall have no dimension less than 30 feet. Lot corners at street intersections shall be rounded by an arc, the minimum radius of which shall be not less than 30 feet. (Ord. 462 § 1, 2005).

**19.25.060 Shape.**

The shape and orientation of lots shall be appropriate to the location of the proposed subdivision and the type of development contemplated. Generally, lots should be rectangular in shape and side lot lines should be at approximately right angles to the street with which they intersect. (Ord. 462 § 1, 2005).

**19.25.070 Subdivision blocks – Minimum length.**

Blocks shall not be less than 300 feet in length. (Ord. 462 § 1, 2005).

**19.25.080 Subdivision blocks – Maximum length.**

Blocks shall not exceed 800 feet in length. (Ord. 462 § 1, 2005).

**19.25.090 Crosswalks required.**

Blocks longer than 500 feet may be required to have crosswalks to facilitate safe pedestrian crossing and circulation at the discretion of the town council based on the recommendation of the planning commission. (Ord. 462 § 1, 2005).

**19.25.100 Easements required.**

All subdivisions shall provide the following easements, as applicable:

(1) Storm Drainage Easements. Easements shall be provided for the collection and dispersion of storm water.

(2) Utility Easements. Easements for utilities including, but not limited to, electricity, water, natural gas, sewer, telephone, and television cable serving and located within the subdivision.

(3) Irrigation Easements. Irrigation easements shall be provided in any subdivision which includes lots consisting, in whole or in part, of irrigated land or land classified by an irrigation district as irrigable. Subdivisions proposed on land through which irrigation water flows shall provide easements to downstream users for existing ditches, channels, conveyances and structures. (Ord. 462 § 1, 2005).

**19.25.110 General easement standards.**

(1) Width. All easements shall be of sufficient width to allow for future installation and maintenance of utilities within the easement. Easements shall be a minimum of 16 feet in width.

(2) Appropriate Location. All easements shall be provided in a location that serves the purpose and intent of the utility for which the easement is designated. Where alleys are not provided, easements for public utilities shall be provided along rear lot lines and side lot lines where appropriate. Where possible, easements shall be equally shared by abutting lots and easements shall be continuous and aligned within the subdivision and with adjoining subdivisions.

(3) Shown on Plat. All required easements shall be shown on the face of the plat or in the plat restrictions. (Ord. 462 § 1, 2005).

**Chapter 19.30****IMPROVEMENTS**

## Sections:

- 19.30.010 Approval required.
- 19.30.020 Required improvements.
- 19.30.030 Conformance with standards.
- 19.30.040 Contractors.
- 19.30.050 Notification.
- 19.30.060 Inspections.
- 19.30.070 Completion and approval.
- 19.30.080 Guarantee and security for improvements.
- 19.30.090 Guarantee and security for maintenance of improvements.
- 19.30.100 Acceptance.

**19.30.010 Approval required.**

Following council approval of a preliminary plat, an applicant may submit construction drawings for improvements. All improvements shall be constructed in accordance with plans and specifications approved by the town. No construction of improvements shall occur prior to town approval of the plans for such improvements. (Ord. 462 § 1, 2005).

**19.30.020 Required improvements.**

All utilities shall be placed underground within street rights-of-way or easements at depths adequate to prevent damage by surface uses and weather conditions. The following improvements are required for any subdivision within the town:

- (1) Street and alley grading and surfacing with asphaltic concrete;
- (2) Sanitary sewers;
- (3) Water mains;
- (4) Fire hydrants;
- (5) Storm water drainage facilities;
- (6) Survey monuments. (Ord. 462 § 1, 2005).

**19.30.030 Conformance with standards.**

All improvements shall comply with town standards and requirements in effect at the time of application and as required in the preliminary plat for construction approval. (Ord. 462 § 1, 2005).

**19.30.040 Contractors.**

The applicant shall file a list with the town clerk of all contractors and subcontractors who will participate in the construction of public improvements. All contractors and subcontractors shall be licensed by the state and subject to disqualification by reason of faulty performance on past construction work done in the town. (Ord. 462 § 1, 2005).

**19.30.050 Notification.**

The contractor shall request the assignment of an inspector from the town clerk, in writing, one week before work is scheduled to begin. (Ord. 462 § 1, 2005).

**19.30.060 Inspections.**

All improvements shall be subject to inspection during and after construction, by an authorized representative of the town.

(1) The inspector shall have the authority to determine whether the construction materials, methods, and workmanship comply with working drawings and specifications.

(2) The contractor shall provide for reasonable tests and proof of quality of materials as requested by the inspector.

(3) The inspector may require that work be suspended for due cause, which may include but is not limited to: adverse weather conditions, poor workmanship, the use of questionable materials or methods, or failure to adhere to specifications and drawings. (Ord. 462 § 1, 2005).

**19.30.070 Completion and approval.**

An applicant may proceed with a final plat application after:

(1) Required improvements have been installed and received final approval from the inspector and/or a written guarantee and security for such improvements has been filed in accordance with SCEMC 19.30.080;

(2) Guarantees and security for maintenance and correction of defects in accordance with SCEMC 19.30.090 are on file with the town. (Ord. 462 § 1, 2005).

**19.30.080 Guarantee and security for improvements.**

To assure the satisfactory installation of improvements, the applicant shall provide a written guarantee to reimburse the town for any and all costs and expenses incurred by it in completing improvements if the applicant fails to do so within a reasonable timeframe. In addition, a security in the amount of 125 percent of the estimated cost of remaining improvements shall be supplied to the town in one of the following forms:

- (1) A performance bond in a form approved by the town and underwritten by a surety company;
- (2) Deposit funds in a blocked account pursuant to terms approved by the town;
- (3) An irrevocable letter of credit issued by a financial institution and approved by the town. (Ord. 462 § 1, 2005).

**19.30.090 Guarantee and security for maintenance of improvements.**

To assure the satisfactory performance, maintenance, and operation of required improvements for a minimum of two years, the applicant shall provide a written guarantee to reimburse the town for any and all costs and expenses incurred by it in maintaining and/or correcting defects in improvements if the applicant fails to do so within a reasonable timeframe. In addition, a security in the amount of 20 percent of the total estimated cost of improvements shall be provided to the town in one of the following forms:

- (1) A maintenance bond in a form approved by the town and underwritten by a surety company;
- (2) Deposit funds in a blocked account pursuant to terms approved by the town;
- (3) An irrevocable letter of credit issued by a financial institution and approved by the town. (Ord. 462 § 1, 2005).

**19.30.100 Acceptance.**

Approval of improvements by the inspector does not constitute acceptance of the improvements by the town. Acceptance of any improvements shall only be by resolution of the council, supported by:

(1) A report from the inspector that all improvements have been installed according to plans and in compliance with requirements; and

(2) Evidence that the applicant has provided proper conveyances and dedications and filed required guarantees and securities required by this chapter. (Ord. 462 § 1, 2005).

**Chapter 19.35**

**CONFORMANCE REQUIRED**

Sections:

19.35.010 Variances.

19.35.020 Violations and penalties.

**19.35.010 Variances.**

Variances to, modifications of, and exceptions from the standards and requirements of this title may be made by the council upon the recommendation of the planning commission in cases where:

- (1) Adhering to the strict letter of the title presents an extreme difficulty or hardship; and
- (2) The proposed variance, modification or exception will not be detrimental to the public health, safety, and welfare; and
- (3) The proposed variance, modification or exception will further the goals and policies of the comprehensive plan. (Ord. 462 § 1, 2005).

**19.35.020 Violations and penalties.**

Any person who violates any provision of this title shall be guilty of a gross misdemeanor and each sale, offer for sale, lease or transfer of each separate lot, tract, or parcel of land in violation of any provision of this act or any local regulation adopted pursuant thereto shall be deemed a separate and distinct offense. (Ord. 462 § 1, 2005).

## **Ordinance and Resolution Table**

<b>Number</b>	<b>Passage Date</b>	<b>Subject</b>
1	8/23/11	Council meetings (Repealed by 9)
2	8/25/11	Town attorney, health officer appointment (Not codified)
3	8/25/11	Town officers' salaries, bonds (Repealed by 67)
4	8/25/11	Officers' warrants, salaries (Not codified)
5	9/8/11	Liquor regulations (Repealed by 39, 51)
6	9/8/11	Animal regulations (Not codified)
7	9/8/11	Disorderly conduct, assault (Repealed by 58)
8	9/8/11	Houses of ill fame (Not codified)
9	9/22/11	Council meetings (Repealed by 38)
10	9/22/11	Billiard and pool room regulations (Repealed by 56)
11	9/22/11	Town attorney duties; repeals § 1 of Ord. 3 (Not codified)
12	10/2/11	Peddlers and hawkers (Repealed by 180)
13	10/2/11	Dog licenses (Repealed by 179)
14	11/6/11	Street improvements (Special)
15	11/6/11	Street improvements (Special)
16	11/20/11	Dog licenses (Repealed by 179)
17	11/20/11	Protection, destruction of city property (Repealed by 178)
18	12/4/11	Election notices (Not codified)
19	1/2/12	Saloon regulations (Repealed by 32, 51)
20	1/15/12	Saloon regulations (Repealed by 51)
21	1/15/12	LID No. 1 (Special)
22	3/4/12	Dance halls, pavilions, amusement parks (Repealed by 51)
23	3/18/12	Amends Ord. 5, liquor regulations (Repealed by 39, 51)
24	3/18/12	Franchise grant (Expired)
25	3/18/12	Dance halls, concert halls regulations (Repealed by 29, 51)
26	8/19/12	Repeals portion of § 5 of Ord. 5, liquor regulations (Repealed by 39, 51)
27	8/19/12	Prohibits dancing on Sundays (Repealed by 51)
28	10/7/12	Repeals § 5 of Ord. 5, liquor regulations (Repealed by 39, 51)
29	10/7/12	Repeals Ord. 25 (Repealer)
30	10/7/12	Franchise grant (Expired)
31		Missing
32	11/4/12	Repeals Ord. 19, saloon regulations (Repealed by 51)
33	11/4/12	Liquor licenses (Repealed by 35, 39, 51)
34	11/4/12	LID No. 2 (Special)
35	2/16/13	Amends Ord. 5; repeals Ord. 33, liquor regulations (Repealed by 39, 51)
36	2/16/13	Town clerk salary (Repealed by 46)
37	2/16/13	Dance halls, concert halls regulations (Repealed by 51)
38	2/16/13	Repeals Ord. 9, council meetings (Not codified)
39	4/21/13	Repeals Ords. 5, 23, 26, 28, 33 and 35, liquor regulations (Repealed by 51)
40	4/21/13	Liquor regulations (Repealed by 51)

41	6/16/13	Speed limits (Repealed by 178)
42	8/4/13	Discharge of fines, costs of conviction (Not codified)
43	9/26/13	Street improvements (Special)
44	10/20/13	Amends § 1 of Ord. 37, dancing (Repealed by 51)
45	11/3/13	Vagrancy (Not codified)
46	1/19/14	Repeals Ord. 36, town clerk salary (Not codified)
47	2/2/14	LID No. 3 (Special)
48	5/18/14	Protection, destruction of city property (Repealed by 178)
49	5/18/14	Parking strips (Not codified)
50	11/2/14	Street improvements (Special)
51	12/30/14	Repeals Ords. 5, 19, 20, 22, 23, 25, 26, 27, 28, 32, 33, 35, 37, 39, 40 and 44, liquor regulations (Not codified)
52	4/19/15	Stove pipes, flues regulations (Not codified)
53	5/17/15	LID No. 4 (Special)
54	12/6/15	Sidewalks (Repealed by 178)
55	4/17/16	Liquor regulations (Not codified)
56	5/1/16	Repeals Ord. 10, billiard and pool halls (5.10)
57	6/5/16	Repeals Ord. 16, animal regulations (Repealed by 64, 179)
58	6/5/16	Repeals Ord. 7; disturbing the peace (Not codified)
59	8/21/16	Bond issuance (Special)
60	10/2/16	Bond issuance (Special)
61	11/20/16	Electrical wiring regulations (Not codified)
62	12/18/16	Contract approval (Special)
63	1/1/17	Light clerk salary (Not codified)
64	9/17/17	Repeals Ord. 57, animal regulations (Repealed by 179)
65		Missing (Repealed by 66)
66	8/19/18	Liquor regulations (Not codified)
67	9/16/18	Repeals Ord. 3; officers' bonds (Not codified)
68	11/4/18	Franchise grant (Special)
69	11/18/18	Street vacation (Special)
70	2/3/19	Light clerk salary (Not codified)
71	9/14/19	Liquor regulations (Repealed by 97)
72	1/5/20	Street vacation (Special)
73	2/2/20	Light clerk salary (Not codified)
74	6/21/20	Business licenses and regulations (Repealed by 180)
75	7/19/20	Garbage collection, removal (Repealed by 182)
76	9/20/20	Janitor salary (Not codified)
77	11/15/20	Amends Ord. 74, business licenses and regulations (Repealed by 180)
78	2/7/22	Light clerk salary (Not codified)
79	9/6/22	Franchise grant (Expired)
80	11/20/22	Treasurer salary (Not codified)
81	12/3/23	Street vacation (Special)
82	12/3/23	Street vacation (Special)
83	6/2/24	Curfew (Repealed by 171)
84	6/2/24	Light clerk bond (Special)

85	1/18/26	Franchise grant (Expired)
86	3/1/26	Franchise grant (Expired)
87	9/20/26	Franchise grant (Expired)
88	10/4/26	Street vacation (Special)
89	6/6/27	Alley vacation (Special)
90	6/6/27	Street vacation (Special)
91	9/19/27	Street vacation (Special)
	2/4/29	Street vacation petition hearing (Special)
92	2/18/29	Repeals § 2 of Ord. 11, town attorney salary (Not codified)
93	3/18/29	Street vacation (Special)
94	5/6/29	Garbage disposal (Repealed by 182)
95	5/6/29	Animal regulations (Repealed by 179)
96	1/19/31	Street vacation (Special)
97	4/3/33	Repeals Ord. 71, liquor regulations (Repealed by 200)
98	4/3/33	Liquor regulations (Repealed by 200)
99	5/1/33	Keeping of swine (Not codified)
	5/7/34	Street vacation petition hearing (Special)
100	1/20/36	Alley vacation (Special)
101	10/18/37	Franchise grant (Expired)
102	5/15/39	Franchise grant (Special)
103	2/1/43	Treasurer, marshal bond (Special)
104	6/7/43	Street vacation (Special)
105	8/2/43	Curfew (Not codified)
106	8/16/43	Sidewalk maintenance (Not codified)
107	12/6/43	Light clerk salary (Not codified)
108	12/6/43	Town clerk salary (Not codified)
109	7/17/44	Town marshal salary (Not codified)
	7/21/44	Public highway improvements (Special)
	9/18/44	Utility contract acceptance (Special)
	2/12/45	Airport site approval (Special)
	3/19/45	Airport site approval (Special)
110	6/18/45	Keeping of livestock (Not codified)
	1/20/47	Funds transfer (Special)
111	7/21/47	Street vacation (Special)
112	10/20/47	Construction bonds (Special)
113	10/20/47	Water revenue bonds (Special)
114		Missing
115	10/27/47	Water revenue bonds (Special)
116	12/15/47	Bond issuance (Special)
117		Missing
	1948	Bid acceptance (Special)
118	1/17/48	Bid approval (Special)
119	6/7/48	Pinball machines and punchboards (5.10)
119-2	12/6/48	Light clerk salary (Not codified)
120	12/6/48	Town clerk salary (Not codified)
120-2		Missing



121		Missing
122	2/21/49	Water supply construction (Special)
123	2/21/49	Declaration of emergency (Special)
124	3/21/49	Contract services terminated (Special)
125	3/21/49	Project improvements (Special)
126	10/3/49	Sidewalk maintenance (12.05)
127	1/15/51	Town marshal salary (Not codified)
128		Missing
129		Missing
130	7/6/51	Street improvements, repairs (Special)
131	7/6/53	Electric power deposit (13.25)
132	11/16/53	Washington State Power Commission (Not codified)
133	1/4/54	Washington State Power Commission (Not codified)
134	8/16/54	Engineering services agreement (Special)
135	8/23/54	Engineering services (Special)
136	8/23/54	General obligation, water revenue bonds (Special)
137	9/7/54	Engineering services agreement (Special)
138	10/26/54	Council meetings (Not codified)
139		Missing
140	12/21/54	Franchise grant (Expired)
141	4/19/55	Renaming street (Special)
142	8/2/55	Street improvements (Special)
143	12/6/55	Town marshal salary (Not codified)
144	12/20/55	Declaration of emergency (Special)
	2/7/56	Petition to replace bridge (Special)
145	4/11/56	Amends 1956 budget (Special)
146	6/26/56	Electrical distribution system (Special)
147	8/7/56	Bid acceptance (Special)
148	8/21/56	Bid acceptance (Special)
149		Official bank designated (Special)
150	8/21/56	Franchise grant (Expired)
151	9/18/56	Special election (Special)
152	11/7/56	Combining offices of clerk and treasurer (2.15)
153	9/25/56	Repeals Res. 151, special election (Special)
154	11/20/56	Amends Ord. 150, franchise grant (Special)
155	11/27/56	Franchise acceptance (Special)
156	11/27/56	Electrical distribution system (Special)
157	11/27/56	Cumulative reserve fund for water system (Not codified)
158	12/4/56	Street lighting contract (Special)
159	1/21/57	Council meetings (Not codified)
160	6/17/57	Special election (Special)
161	7/15/57	Legal services agreement (Special)
162	7/15/57	Waterworks construction (Special)
163	1/6/58	Bond issuance (Special)
164	1/6/58	Water code (Not codified)
165		Missing

166	6/16/58	Water systems (Not codified)
167	7/21/58	Amends Ord. 164, water code (Not codified)
168	7/21/58	Water systems (13.20)
169	1/5/59	Ice skating rink on school property (Special)
170	3/2/59	Police justice (Not codified)
171	2/15/60	Repeals Ord. 83, curfew (Not codified)
172	2/15/60	Street obstructions (Not codified)
173	11/20/61	Street classifications (Repealed by 188)
174	1/2/62	Funds transfer (Special)
175	1/2/62	Six-year comprehensive street program (Special)
176	2/5/62	Use of fire apparatus (Not codified)
177	4/23/62	Arterial street fund (Not codified)
178	4/23/62	Vehicle and pedestrian regulations; repeals Ords. 17, 41, 48 and 54 (Repealed by 253, 369)
179	4/23/62	Animal regulations; repeals Ords. 13, 16, 57, 64 and 95 (Repealed by 263)
180	4/23/62	Business license fees; repeals Ords. 12, 74 and 77 (Repealed by 396)
181	5/7/62	Nuisances (Not codified)
182	5/7/62	Repeals Ords. 75 and 94, garbage disposal (Not codified)
183	10/1/62	Town safe deposit box (Special)
184	5/20/63	Roadway improvements (Special)
185	6/3/63	Public works projects (Special)
186	6/3/63	Business and occupation tax (Repealed by 187)
187	11/4/63	Repeals Ord. 186 (Repealer)
188	1/6/64	Street classifications; repeals Res. 173 (Special)
189	1/20/64	Six-year comprehensive street program (Special)
190	6/1/64	Council meetings (Not codified)
191	6/15/64	Fire department (2.25)
192	8/14/64	Public works project (Special)
193	5/3/65	Franchise grant (Expired)
194	2/6/67	Legal services agreement (Special)
195		Number not used
196	9/5/67	Mayor, councilmember compensation (Not codified)
197	9/5/67	Elections (2.20)
198	9/5/67	Bond issuance (Special)
199		Number not used
200	11/6/67	Repeals Ords. 97 and 98, liquor regulations (Not codified)
201	11/6/67	Renaming street (Special)
202	12/2/68	Trailer installation (Repealed by 318)
203		Missing
204	5/19/69	Six-year comprehensive street program (Special)
205		Missing
206	10/6/69	Fire chief compensation (2.25)
207	9/15/69	Tax levy (Special)
208	10/6/69	Tax levy (Special)

209	12/5/69	Legal services agreement (Special)
210	12/10/69	Funds appropriations (Special)
211	2/2/70	Bond issuance (Special)
212	3/16/70	Federal grant acceptance (Special)
213	3/16/70	Sales and use tax resolution (3.05)
214	4/6/70	Sewer department (Not codified)
215	5/4/70	Repeals § 5 of Ord. 164, water code (Repealed by 317)
216	5/18/70	Six-year comprehensive street program (Special)
217	8/3/70	Funds appropriations (Special)
218	10/5/70	Tax levy (Special)
219	12/1/70	Adopts 1971 budget (Special)
220	1/4/71	Amends Ord. 214, sewer department (Not codified)
221	3/15/71	Amends Ord. 215, water rates (Repealed by 317)
222	5/17/71	Six-year comprehensive street program (Special)
223	7/19/71	Town employees retirement and pension (2.10)
224	8/2/71	Funds transfer (Special)
225	9/8/71	Adopts county solid waste management plan (Not codified)
226	10/6/71	Tax levy (Special)
227	11/22/71	Alley vacation (Special)
228	12/1/71	Adopts 1972 budget (Special)
229	2/7/72	Snowmobile regulations (Repealed by 302)
230	6/19/72	Six-year comprehensive street program (Special)
231	9/18/72	Water and sewer charges (Not codified)
232	10/2/72	Tax levy (Special)
233	12/1/72	Adopts 1973 budget
234	12/18/72	Federal Shared Revenue Fund (Not codified)
235	3/5/73	Building code and permits (Not codified)
236		Missing
237	6/18/73	Adopts county solid waste management plan (8.20)
238	6/18/73	Six-year comprehensive street program (Special)
239	10/1/73	Tax levy (Special)
240	11/19/73	Amends 1973 budget (Special)
241	12/3/73	Adopts 1974 budget (Special)
242	4/15/74	Funds appropriations (Special)
243	5/6/74	District boundary approval (Special)
244	7/1/74	Six-year comprehensive street program (Special)
245		Missing
246	10/24/74	Tax levy (Special)
247	12/2/74	Amends 1974 budget (Special)
248	12/2/74	Employment discrimination (2.10)
249	12/2/74	Volunteer firemen (2.25)
250	12/74	Adopts 1975 budget (Special)
251	2/3/75	Council meetings (2.05)
252	6/3/75	Building code (Not codified)
253	1975	Repeals Ord. 178, vehicle regulations (10.05)
254	10/7/75	Tax levy (Special)

255	6/24/75	Six-year comprehensive street program (Special)
256		Missing
257	12/16/75	Firemen's retirement provisions (2.25)
258	5/18/76	Six-year comprehensive street program (Special)
259	9/30/76	Amends § 30 of Ord. 164, water rates (Not codified)
260	9/30/76	Amends Ord. 214, sewer rates (Not codified)
261	10/5/76	Tax levy (Special)
262	12/18/76	Adopts 1977 budget (Special)
263	3/24/77	Repeals Ord. 179, animal regulations (Repealed by 348)
264	6/7/77	Six-year comprehensive street program (Special)
265	10/4/77	Tax levy (Special)
266	12/20/77	Adopts 1978 budget (Special)
267	5/16/78	Six-year comprehensive street program (Special)
268	10/3/78	Water connection charges (Not codified)
269	10/3/78	Amends Ords. 214 and 260, sewer connection charges (Not codified)
270	10/17/78	Tax levy (Special)
271	12/19/78	Adopts 1979 budget (Special)
272	12/19/78	Amends portion of § 4 and repeals portion of § 4 of Ord. 215, water rates (Not codified)
273	5/23/79	Six-year comprehensive street program (Special)
274	10/16/79	Tax levy (Special)
275	1/80	Amends 1979 budget (Special)
276	12/18/79	Adopts 1980 budget (Special)
	5/21/80-1	Grant funds acceptance (Repealed by 10/6/81-1)
277	7/1/80	Amends 1980 budget (Special)
278	7/8/80	Bond issuance (Special)
279	7/8/80	Bond issuance (Special)
280	8/5/80	District boundary approval (Special)
281	6/4/80	Six-year comprehensive street program (Special)
282	10/14/80	Tax levy (Special)
283A	12/2/80	Amends 1980 budget (Special)
283B	12/16/80	Adopts 1981 budget (Special)
284	3/17/81	Franchise grant (Special)
285	4/21/81	Flood damage prevention plan (Repealed by 331)
286	6/16/81	Amends § 30 of Ord. 164, water rates (Not codified)
287	6/16/81	Amends Ord. 214, sewer rates (Not codified)
288	8/4/81	Bond issuance (Special)
289	8/18/81	Amends Ord. 288, bond issuance (Special)
290	10/6/81	Tax levy (Special)
	10/6/81-1	Repeals Res. 5/21/80-1, grant funds acceptance (Special)
291	12/15/81	Amends § 5 of Ord. 180, business licenses (Repealed by 396)
292	12/15/81	Amends Ord. 202, mobile homes (Repealed by 318)
293	12/15/81	Adopts 1982 budget (Special)
294	10/5/82	Parking (10.10)
	10/5/82-1	Block grant application (Special)

295	11/4/82	Tax levy (Special)
296	12/7/82	Payroll periods (Not codified)
297	12/21/82	Adopts 1983 budget (Special)
298	3/1/83	Emergency management council (2.30)
299	4/5/83	Amends Ord. 263, dog licenses (Repealed by 348)
	7/5/83-1	Six-year comprehensive street program (Special)
	9/20/83-1	Six-year comprehensive street program (Special)
300	11/1/83	Tax levy (Special)
301	12/7/83	Adopts 1984 budget (Special)
302	2/7/84	Repeals Ord. 229, snowmobile regulations (10.20)
	2/21/84-1	Street vacation hearing (Special)
303	3/19/84	Business and occupation tax (3.20)
304	5/1/84	Amends 1984 budget (Special)
	5/1/84-1	Utilities proposal (Special)
305	6/19/84	Franchise grant (Special)
	6/19/84-1	Six-year comprehensive street program (Special)
306	6/19/84	Municipal court (Repealed by 393)
307	8/7/84	Street vacation (Special)
	9/19/84-1	Six-year comprehensive street program (Special)
308	10/2/84	Adopts State Environmental Policy Act (Repealed by 371)
309	11/5/84	Tax levy (Special)
310	12/4/84	Adopts 1985 budget (Special)
311	1/15/85	Garbage collection and disposal (8.20)
312	5/21/85	Amends 1985 budget (Special)
313	11/6/85	Tax levy (Special)
314	11/19/85	Accident fund (Not codified)
315	12/17/85	Adopts 1986 budget (Special)
316	4/1/86	Traffic (Repealed by 390)
317	4/1/86	Repeals Ords. 215 and 221, water rates (Not codified)
318	4/1/86	Repeals Ords. 202 and 292, factory-built housing (15.15)
319	6/17/86	Amends 1986 budget (Special)
320	9/2/86	Franchise grant (Special)
321	11/5/86	Tax levy (Special)
322	12/16/86	Current expense reserve fund (Not codified)
323	12/16/86	Street fund (Not codified)
324	12/16/86	Water, sewer reserve fund (Not codified)
325	12/16/86	Sewer rehabilitation fund (Not codified)
326	12/16/86	Amends Ord. 214, sewer rates (Not codified)
327	12/16/86	Amends Ord. 317, water rates (Not codified)
328	12/16/86	Adopts 1987 budget (Special)
329	2/3/87	Franchise grant (Special)
330	3/17/87	Amends 1987 budget (Special)
331	3/3/87	Repeals Ord. 285, flood damage prevention (15.10)
332	4/21/87	Real estate excise tax (3.10)
333	11/4/87	Tax levy (Special)
334	12/1/87	Sewer collection (Not codified)

335	12/1/87	Water collection (Not codified)
336	12/1/87	Adopts 1988 budget (Special)
337	9/6/88	Amends 1988 budget (Special)
338	8/16/88	Amends Ord. 164, water rates (Not codified)
339	8/16/88	Amends Ord. 326, sewer rates (Not codified)
340	11/15/88	Tax levy (Special)
341	12/20/88	Adopts 1989 budget (Special)
342	2/21/89	Special excise tax, tourist support fund (3.15)
343	5/2/89	Firearms (9.10)
344	8/1/89	Amends Ord. 331, critical facilities (15.10)
345	11/21/89	Tax levy (Special)
346	12/5/89	Adopts 1990 budget (Special)
347	12/19/89	Amends Ord. 331, floodways (15.10)
348	11/7/90	Repeals Ords. 263 and 299, animal regulations (Title 6)
349	11/20/90	Tax levy (Special)
350	12/4/90	Adopts 1991 budget (Special)
351	3/19/91	Adopts State Building Code (15.05)
352	9/3/91	Amends Ord. 214, sewer rates (Not codified)
353	9/3/91	Amends Ord. 317, water service connections (Not codified)
354	11/19/91	Tax levy (Special)
355	11/19/91	Sewer construction fund (Not codified)
356	11/19/91	Combines street fund and arterial street fund (Not codified)
357	12/17/91	Adopts 1992 budget (Special)
358	1/7/92	Amends 1991 budget (Special)
359	4/7/92	Funds transfer (Special)
360	4/7/92	Amends 1992 budget (Special)
361	5/5/92	Comprehensive plan (17.05, 17.10, 17.15, 17.20, 17.25, 17.30, 17.35, 17.40, 17.45, 17.50, 17.55, 17.60)
362	5/18/92	Sewerage disposal (13.10)
363	11/2/92	Tax levy (Special)
364	12/21/92	Adopts 1993 budget (Special)
365	6/15/93	Amends Ord. 318, factory-built homes (15.15)
366	10/19/93	Tax levy (Special)
367	12/21/93	Adopts 1994 budget (Special)
368	5/17/94	Fireworks (8.15)
369	6/21/94	Adopts Model Traffic Ordinance (10.05)
370	9/6/94	State laws exemptions, firearms (9.10)
371	9/19/94	Repeals Ord. 308, State Environmental Policy Act (16.05)
372	12/6/94	Tax levy (Special)
373	12/20/94	Adopts 1995 budget (Special)
374	1/3/95	Critical areas development regulations (16.10)
375	1/17/95	Amends 1994 budget (Special)
376	3/14/95	Parental responsibility for juveniles (9.05)
377	10/3/95	Nuisances (8.05, 8.10)
378	10/3/95	Amends Ord. 164, water rates (Not codified)

379	11/6/95	Amends Ord. 361, zoning (17.10, 17.15, 17.20, 17.25, 17.30, 17.35, 17.40, 17.45, 17.50, 17.55)
380	11/21/95	Tax levy (Special)
381	12/19/95	Adopts 1996 budget (Special)
382	12/19/95	Amends 1995 budget (Special)
383	3/5/96	Amends Ord. 362, customer charges (13.10)
384	4/2/96	Sign code (17.70)
385	10/1/96	Amends 1996 budget (Special)
385	11/19/96	Amends Ord. 376, curfew (9.05)
386	12/3/96	Tax levy (Special)
387	12/17/96	Adopts 1997 budget (Special)
388	12/17/96	Amends 1996 budget (Special)
389	3/4/97	Amends 1997 budget (Special)
390	5/6/97	Repeals Ord. 316, traffic (Repealer)
391	5/20/97	Cross-connections (13.15)
392	6/3/97	Waterworks utility additions (Special)
393	10/21/97	Repeals Ord. 306, municipal court (Repealer)
394	12/2/97	Amends Ord. 384, §§ 016.2 and 016.3, sign code (17.70)
395	12/16/97	Adopts 1998 budget (Special)
396	12/16/97	Business licenses; repeals Ords. 180 and 291 (5.05)
397	3/17/98	Land use permit procedures (18.05)
398	4/7/98	Tax levy (Special)
399	4/7/98	Prescribes tap-in restrictions, floodplain properties (Special)
400	4/7/98	Prescribes tap-in restrictions, wetland properties (Special)
401	6/2/98	Water and sewer revenue bonds (Special)
402	6/2/98	Amends 1998 budget (Special)
403	6/2/98	Water facilities construction project fund (Special)
404	6/16/98	Amends Ord. 398, tax levy (Special)
405	12/15/98	Tax levy (Special)
406	12/15/98	Adopts 1999 budget (Special)
407	1/19/99	Amends 1998 budget (Special)
408		Weight limits and truck routes (Failed)
409		Number not used
410	3/16/99	Weight limits and truck routes (10.15)
411	5/18/99	Code adoption (1.01)
412	6/1/99	Water and sewer revenue bonds (Special)
413	6/1/99	Amends § 6.05.010, animal regulations (Title 6)
414	9/7/99	Adds Ch. 12.10, right-of-way use (12.10)
415	9/7/99	Adds Ch. 12.15, excavations (12.15)
416	9/7/99	Adds Ch. 13.05, water rates and charges (13.05)
417	11/3/99	Amends Ch. 13.05, water rates and charges (13.05)
418	11/16/99	Tax levy (Special)
419		Number not used
420	12/7/99	Amends § 10.10.010, winter parking (10.10)
421	12/21/99	Adopts 2000 budget (Special)
422	5/16/00	Water and sewer revenue bonds (Special)

423	8/15/00	Adds §§ 8.05.030 through 8.05.130, nuisances (8.05)
424	8/15/00	Adds §§ 10.10.040 and 10.10.050; amends § 10.10.030, winter regulations (10.10)
425	9/5/00	Adds § 8.05.075; amends § 8.05.040, nuisances (8.05)
426		Not passed
427	11/21/00	Tax levy (Special)
428	12/5/00	Amends 2000 budget (Special)
429	12/5/00	Adopts 2001 budget (Special)
430	3/6/01	Adds Ch. 13.30, telecommunications, cable, right-of-way permits (13.30)
431	3/20/01	Establishes Milwaukee Station renovation fund (Special)
432	5/1/01	Amends § 13.05.270, water rates and charges (13.05)
433	6/19/01	Water and sewer revenue bonds (Special)
434	8/7/01	Adds Ch. 13.12; repeals § 13.04.470, sewer system connection charges (13.12)
435	8/21/01	Amends § 3.15.010(1), lodging tax (3.15)
436	11/20/01	Adds §§ 13.05.290 and 13.05.300; amends § 13.05.230, water (13.05)
437	12/4/01	Tax levy (Special)
438	12/4/01	Adopts 2002 budget (Special)
439	1/2/02	Amends 2001 budget (Special)
440	7/16/02	Water and sewer revenue bonds (Special)
441	11/12/02	Adopts Cle Elum Regional Sewerage Facilities Plan (Special)
442	12/3/02	Tax levy (Special)
443	12/11/02	Adopts 2003 budget (Special)
444	1/7/03	Travel reimbursement (2.10)
445	5/2/03	Building permit application deposits (15.20)
446	6/17/03	Water and sewer revenue bonds (Repealed by 447)
447	6/17/03	Water and sewer revenue bonds; repeals Ord. 446 (Special)
448	11/18/03	Tax levy (Special)
449	12/2/03	Amends § 13.05.230, water rates and charges (13.05)
450	12/2/03	Amends § 13.10.580, public sewer charges (13.10)
451	12/2/03	Adopts 2004 budget (Special)
452	1/20/04	Amends § 13.12.030, sewer system connection charge (13.12)
453	1/20/04	Amends § 13.05.040, water service pipes (13.05)
454	11/16/04	Tax levy (Special)
455	11/16/04	Adopts 2005 budget (Special)
456	12/7/04	Amends 2004 budget (Special)
457	3/1/05	Adds Ch. 10.20 [10.25], motorized foot scooters (10.25)
458	3/15/05	Adds § 17.05.100(6), zoning permits and fees (17.05)
459A	8/16/05	Adds § 15.20.010, demolition permit (15.20)
459B	8/16/05	Amends § 13.12.040, capital reimbursement charge (13.12)
460	9/6/05	Amends 2005 budget (Special)
461	11/1/05	Amends 2005 budget (Special)
462	2/1/05	Subdivisions (19.05, 19.10, 19.15, 19.20, 19.25, 19.30, 19.35)



463	11/15/05	Amends § 13.10.580, public sewer charges (13.10)
464	11/15/05	Tax levy (Special)
465	12/6/05	Adopts 2006 budget (Special)
466	1/17/06	Amends 2005 budget (Special)
467	2/7/06	Adds § 13.10.325, connections to town sewer system, exception (13.10)
468	5/2/06	Amends § 13.05.270, water bill adjustment (13.05)
469	5/16/06	Adds § 17.05.110; amends § 17.05.100, zoning (17.05)
470	5/16/06	Amends § 17.35.030, UR1-5 zone minimum lot size (17.35)
471	5/16/06	Amends § 18.05.100, land use permit appeals (18.05)
472	11/7/06	Tax levy (Special)
473	12/5/06	Amends 2006 budget (Special)
474	12/19/06	Amends 2006 budget (Special)
475	12/19/06	Adopts 2007 budget (Special)
476	5/1/07	Adds Ch. 13.11, water/sewer construction standards (13.11)
477	5/24/07	Amends §§ 13.05.230, 13.05.240 and 13.10.590, water and sewer rates and charges (13.05, 13.10)
478	5/24/07	Adds §§ 13.05.231 and 13.10.581, water and sewer reserve funds (13.05, 13.10)
479	5/24/07	Adds §§ 13.05.232 and 13.10.582, water and sewer utility taxes (13.05, 13.10)
480	8/7/07	Adds Ch. 15.25, grading, excavation and land filling (15.25)
481	7/17/07	Amends §§ 15.10.050, 15.10.070, 15.10.170 and 15.10.180, flood damage prevention (15.10)
482	9/18/07	Amends § 15.10.170, specific flood damage prevention standards (15.10)
483	12/4/07	Amends comprehensive plan (Special)
484	11/20/07	Tax levy (Special)
485	12/4/07	Amends § 13.05.230, water rates and charges (13.05)
486	12/4/07	Amends § 5.05.050, business license fee (5.05)
487	12/4/07	Adopts 2008 salary schedule (Special)
488	12/4/07	Adopts 2008 budget (Special)
489	1/15/08	Amends 2008 salary schedule (Special)
490	2/19/08	Adds § 2.05.020 and Ch. 2.40; amends § 2.25.120, mayor, council members and fire chief compensation (2.05, 2.25, 2.40)
491	3/18/08	Amends 2008 budget (Special)
492	11/4/08	Amends 2008 budget (Special)
493	11/18/08	Tax levy (Special)
494	12/2/08	Amends 2008 budget (Special)
495	12/2/08	Adopts 2009 salary schedule (Special)
496	12/2/08	Adopts 2009 budget (Special)
497	3/3/09	Amends 2009 budget (Special)
498	10/20/09	Amends 2009 budget (Special)
499	11/17/09	Tax levy (Special)
500	12/1/09	Amends 2009 budget (Special)
501	12/1/09	Adopts 2010 salary schedule (Special)

502	12/1/09	Adopts 2010 budget (Special)
503	6/1/10	Adds Ch. 8.25, parks (8.25)
504	11/16/10	Tax levy (Special)
505	12/7/10	Amends 2010 budget (Special)
506	12/7/10	Adopts 2011 salary schedule (Special)
507	12/7/10	Adopts 2011 budget (Special)
508	12/28/10	Amends 2010 budget (Special)
509	12/7/10	Amends § 6.05.020, dog licenses (Title 6)
510	1/18/11	Amends §§ 13.05.231, 13.10.350, 13.10.581 and 13.10.600, water and sewer funds (13.05, 13.10)
511	3/1/11	Amends 2011 budget (Special)
512	4/5/11	Amends comprehensive plan (Special)
513	4/5/11	Amends §§ 6.05.020, 6.05.050, 6.05.060, 6.05.160 and 6.05.270; repeals § 6.05.030, animals (Title 6)
514	8/16/11	Amends 2011 budget (Special)
515	8/16/11	Adopts moratorium on medical marijuana dispensaries, production facilities, processing facilities and collective gardens (Special)
516	10/4/11	Affirms findings of Ord. 515, moratorium on medical marijuana dispensaries, production facilities, processing facilities and collective gardens (Special)
517	11/1/11	Tax levy (Special)
518	11/15/11	Adopts 2012 salary schedule (Special)
519	11/15/11	Adopts 2012 budget (Special)
520	12/6/11	Amends § 13.05.270, water leakage adjustments (13.05)
521	12/6/11	Amends 2011 budget (Special)
522	12/6/11	Adds § 13.05.025; amends §§ 13.05.020, 13.05.030, 13.05.040, 13.05.110, 13.05.150, 13.05.210, 13.05.220, 13.05.280 and 13.10.620; repeals § 13.05.080, public utilities (13.05, 13.10)
523	1/17/12	Amends 2012 budget (Special)
524	1/17/12	Amends § 13.05.230, water rates and charges (13.05)
525	6/19/12	Amends 2012 budget (Special)
526	8/7/12	Amends comprehensive plan (Special)
527	11/6/12	Tax levy (Special)
528	12/4/12	Adopts 2013 budget (Special)
529	12/4/12	Adopts 2013 salary schedule (Special)
530	11/20/12	Amends §§ 13.05.230, 13.05.231 and 13.10.581, utility rates and taxes (13.05, 13.10)
531	12/11/12	Amends 2012 budget (Special)
532	4/16/13	Adds § 3.20.015; amends §§ 3.20.030 and 3.20.080, business and occupation tax (3.20)
533	11/5/13	Amends § 13.12.040, capital reimbursement charge (13.12)
534	11/19/13	Tax levy (Special)
535	12/3/13	Amends 2013 budget (Special)
536	12/3/13	Adopts 2014 salary schedule (Special)
537	12/3/13	Adopts 2014 budget (Special)

538	12/3/13	Amends §§ 13.05.230 and 13.10.580, water and sewer charges (13.05, 13.10)
539	12/3/13	Reserves Ch. 17.22; adds §§ 16.10.105, 16.10.302, 16.10.305 and 17.15.045; amends §§ 15.25.050, 16.10.010, 16.10.190, 17.15.010, 17.15.030, 17.15.040, 17.15.050, 17.15.060, 17.15.100, 17.15.110, 17.20.050, 17.20.120, 17.25.130, 17.30.080, 17.35.080, 17.40.080 and Ch. 17.45; repeals § 16.10.310 and Ch. 17.65, development regulations (15.25, 16.10, 17.15, 17.20, 17.22, 17.25, 17.30, 17.35, 17.40, 17.45)
540	4/15/14	Moratorium on medical marijuana dispensaries, production facilities, processing facilities and collective gardens (Special)
541	4/15/14	Moratorium on marijuana producers, processors and retailers (Special)
542	6/3/14	Amends 2014 budget (Special)
543	10/7/14	Extends moratorium on medical marijuana dispensaries, production facilities, processing facilities and collective gardens (Special)
544	10/7/14	Extends moratorium on marijuana producers, processors and retailers (Special)
545	11/4/14	Tax levy (Special)
546	11/18/14	Amends Ch. 8.15, fireworks (8.15)
547	11/18/14	Adopts 2015 salary schedule (Special)
548	11/18/14	Adopts 2015 budget (Special)
549	12/2/14	Amends 2014 budget (Special)
550	12/2/14	Amends §§ 13.05.230 and 13.10.580, water and sewer charges (13.05, 13.10)
551	4/7/15	Extends moratorium on medical marijuana dispensaries, production facilities, processing facilities and collective gardens (Special)
552	4/7/15	Extends moratorium on marijuana producers, processors and retailers (Special)
553	6/2/15	Adds § 13.05.015, mandatory water service (13.05)
554	6/16/15	Adopts shoreline master program (16.15)
555	6/25/15	Adds § 8.15.045, fireworks (8.15)
556	11/17/15	Tax levy (Special)
557	11/17/15	Adopts 2016 salary schedule (Special)
558	11/17/15	Adopts 2016 budget (Special)
559	11/17/15	Amends §§ 13.05.230 and 13.10.580, water and sewer charges (13.05, 13.10)
560	12/1/15	Amends 2015 budget (Special)
561	12/1/15	Adds § 8.05.055; amends §§ 8.05.020, 8.05.050 and 8.05.075, nuisances (8.05)
562	3/15/16	Adds Ch. 10.30, wheeled all-terrain vehicles (10.30)
563	4/5/16	Moratorium on building permits and land use development applications within Depot Commercial District (Special)
564	9/6/16	Adds §§ 6.05.010(8), 6.05.300 and 6.05.310, potentially dangerous dogs (Title 6)

565	9/6/16	Moratorium on building permits and land use development applications within Depot Commercial District (Special)
566	10/18/16	Adds Ch. 8.30, camping (8.30)
567	11/1/16	Tax levy (Special)
568	11/15/16	Adopts 2017 salary schedule (Special)
569	11/15/16	Adopts 2017 budget (Special)
570	12/6/16	Amends 2016 budget (Special)
571	1/17/17	Amends §§ 13.05.230 and 13.10.580, water and sewer charges (13.05, 13.10)
572	5/16/17	Adds § 13.10.680; amends § 13.10.670, utilities enforcement (13.10)
573	6/6/17	Moratorium on building permits and land use development applications within Depot Commercial District (Special)
574	11/7/17	Tax levy (Special)
575	11/7/17	Franchise grant (Special)
576	12/5/17	Amends §§ 13.05.230 and 13.10.580, water and sewer charges (13.05, 13.10)
577	12/5/17	Amends § 2.40.010, compensation of mayor (2.40)
578	12/5/17	Amends § 2.05.020, council compensation (2.05)
579	12/5/17	Adopts 2018 salary schedule (Special)
580	12/5/17	Adopts 2018 budget (Special)
581	12/5/17	Amends 2017 budget (Special)
582	12/5/17	Adds § 17.10.175 and Ch. 17.22, zoning (17.10, 17.22)
583	12/5/17	Amends § 2.25.120, fire chief compensation (2.25)
584	11/6/18	Tax levy (Special)
585	11/6/18	Adds Ch. 10.30 [10.35]; amends § 10.10.010, parking (10.10, 10.35)
586	11/20/18	Amends §§ 13.05.230 and 13.10.580, water and sewer charges (13.05, 13.10)
587	11/20/18	Adopts 2019 salary schedule (Special)
588	11/20/18	Adopts 2019 budget (Special)
589	11/20/18	Adds §§ 3.20.005 and 3.20.025, business licensing (3.20)
590	12/4/18	Amends 2018 budget (Special)
591	6/18/19	Amends Ch. 15.05, building codes (15.05)
592	6/18/19	Amends comprehensive plan (Special)
593	11/5/19	Adds Ch. 17.52, short-term rentals (17.52)
594	11/5/19	Tax levy (Special)
595	11/19/19	Adopts 2020 salary schedule (Special)
596	11/19/19	Adopts 2020 budget (Special)
597	12/3/19	Amends 2019 budget (Special)
598	12/3/19	Amends § 10.10.010, winter parking (10.10)
599	1/7/20	Amends §§ 13.05.270 [13.05.230] and 13.10.580, water and sewer charges (13.05, 13.10)
600	6/23/20	Amends 2020 budget (Special)
601	3/2/21	Adds §§ 2.25.012 and 2.25.015; amends §§ 2.25.010, 2.25.020, 2.25.030, 2.25.040, 2.25.050, 2.25.070, 2.25.090, 2.25.120,

		2.25.130, 2.25.140, 2.25.150, 2.25.160 and 2.25.170, fire department (2.25)
602	9/1/20	Amends 2020 budget (Special)
603	11/3/20	Tax levy (Special)
604	11/17/20	Adopts 2021 salary schedule (Special)
605	11/17/20	Adopts 2021 budget (Special)
606	12/21/20	Amends 2020 budget (Special)
607	1/19/21	Amends §§ 13.05.270 [13.05.230] and 13.10.580, water and sewer charges (13.05, 13.10)
608	5/4/21	Building permit moratorium (Special)
609	5/18/21	Renumbers duplicate Ord. 607 as Ord. 608 (Special)
610	6/15/21	Affirms building permit moratorium findings of fact (Special)
611	9/21/21	Amends Ch. 15.10, flood damage prevention (15.10)
612	9/21/21	Amends Ch. 16.15, shoreline master program (Repealed by 614)
613	10/19/21	Extends building permit moratorium (Special)
614	10/19/21	Repeals Ord. 612, shoreline master program (Repealer)
615	11/16/21	Tax levy (Special)
616	11/16/21	Adopts 2022 salary schedule (Special)
617	11/16/21	Adopts 2022 budget (Special)
618	12/7/21	Amends 2021 budget (Special)
619	12/7/21	Amends §§ 13.05.230 and 13.10.580, water and sewer charges (13.05, 13.10)
620	4/19/22	Amends Ch. 16.15, shoreline master program (16.15)
621	5/3/22	Extends building permit moratorium (Special)
622	6/7/22	Amends 2022 budget (Special)
623	6/21/22	Adds Ch. 17.27; amends §§ 17.45.010, 17.45.120, 17.45.170, comprehensive plan and zoning map; adopts future land use designation map, zoning (17.27, 17.45)
624	8/2/22	Amends Title 6, animals (6.01)
625	8/16/22	Alley vacation (Special)
626	10/4/22	Amends 2022 budget (Special)
627	11/1/22	Adds §§ 17.10.145, 17.20.015, 17.30.025, 17.35.025, 17.40.025 and 17.50.060; amends §§ 17.15.030(11) and 17.25.020, containers (17.10, 17.15, 17.20, 17.25, 17.30, 17.35, 17.40, 17.50)
628	11/15/22	Tax levy (Special)
629	11/15/22	Adopts 2023 salary schedule (Special)
630	11/15/22	Adopts 2023 budget (Special)
631	11/15/22	Adds § 17.05.100(7); amends §§ 17.05.100(5) and 18.05.100(1), permit procedures and fees (17.05, 18.05)
632	12/6/22	Amends §§ 13.05.230 and 13.10.580, water and sewer charges (13.05, 13.10)
633	12/6/22	Amends 2022 budget (Special)
634	2/7/23	Amends Title 6, animals (6.01)
635	2/7/23	Amends § 17.20.015 and Ch. 17.52, short-term rentals (17.20, 17.52)

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