

Title 2

ADMINISTRATION AND PERSONNEL

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Chapter 2.03

COUNCIL MEETINGS

Sections:

2.03.010 Date and time.

2.03.010 Date and time.

The regular meetings of the city council shall be held on the second and fourth Tuesday of each calendar month at the hour of seven p.m., in the council chambers of Cle Elum City Hall, located at 119 West First Street, Cle Elum, Washington.

(Ord. 1113 § 1, 2000; Ord. 1015 § 1, 1994)

Chapter 2.06

APPOINTMENT OF CITY TREASURER

Sections:

2.06.010 Monthly report.

2.06.020 Appointment.

2.06.010 Monthly report.

It shall be the duty of the city treasurer, in addition to his duties as prescribed by the laws of the state and prior ordinances of the city, to present to the city council, at its first meeting in each month, an itemized report showing all his receipts and disbursements, as the treasurer, for the month preceding.

(Ord. 112¹/₂ § 1, 1909)

2.06.020 Appointment.

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

(Ord. 908, 1990)

Chapter 2.07

APPOINTMENT OF CITY ADMINISTRATOR

Sections:

2.07.010 Office created.

2.07.020 Appointment--Compensation.

2.07.030 General duties and responsibilities.

2.07.040 Department head, employee authority.

2.07.050 Qualifications.

2.07.010 Office created.

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

2.07.020 Appointment--Compensation.

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

2.07.030 General duties and responsibilities.

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

2.07.040 Department head, employee authority.

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

2.07.050 Qualifications.

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

Chapter 2.08

APPOINTMENT OF CITY ATTORNEY

Sections:

2.08.010 City attorney--Appointed by mayor.

2.08.010 City attorney--Appointed by mayor.

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

Chapter 2.10

APPOINTMENT OF CITY CLERK

Sections:

2.10.010 City clerk--Appointed by mayor.

2.10.010 City clerk--Appointed by mayor.

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

Chapter 2.11

AIRPORT ADMINISTRATOR

Sections:

2.11.010 Position created.

2.11.020 Appointment by mayor.

2.11.010 Position created.

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

2.11.020 Appointment by mayor.

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

Chapter 2.12

MEAT INSPECTOR

Sections:

2.12.010 Duties.

2.12.020 Inspection duties and report.

2.12.030 Milk cow--Inspection fee.

2.12.040 Milk cow--Registration and inspection required.

2.12.050 Milk cow--Right of entry to inspect.

2.12.060 Compensation.

2.12.070 Penalty for violation.

2.12.010 Duties.

The meat inspector of the city shall perform the duties required in this chapter to be performed as inspector.

(Ord. 252 § 1, 1928)

2.12.020 Inspection duties and report.

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

(Ord. 252 § 2, 1928)

2.12.030 Milk cow--Inspection fee.

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

(Ord. 252 § 3, 1928)

2.12.040 Milk cow--Registration and inspection required.

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

(Ord. 252 § 4, 1928)

2.12.050 Milk cow--Right of entry to inspect.

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

(Ord. 252 § 5, 1928)

2.12.060 Compensation.

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

(Ord. 252 § 6, 1928)

2.12.070 Penalty for violation.

The violation of any of the provisions of this chapter shall be a misdemeanor and shall be punishable by a fine not exceeding one hundred dollars.

(Ord. 252 § 7, 1928)

Chapter 2.13

ENFORCEMENT HEARING EXAMINER

Sections:

2.13.010 Purpose.

2.13.020 Creation of code enforcement hearing examiner.

2.13.030 Qualifications and appointments.

2.13.040 Freedom from improper influence.

2.13.050 Conflict of interest.

2.13.060 Rules.

2.13.070 Powers and duties.

2.13.080 Appeal of examiner's decision.

2.13.090 Report by the planning department.

2.13.100 Examiner's decision--Findings required.

2.13.010 Purpose.

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

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

(Ord. 1255 § 2 (Exh. B (part)), 2006)

2.13.020 Creation of code enforcement hearing examiner.

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

The office of land use hearing examiner shall be a separate position from the enforcement hearing examiner, although the same person may hold both offices, appointment and terms. (Ord. 1255 § 2 (Exh. B (part)), 2006)

2.13.030 Qualifications and appointments.

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

- A. The examiner shall be appointed by the mayor and confirmed by a majority vote of the city council. The examiner shall be appointed solely with regard to his or her qualifications for the duties of the office and shall have such training or experience as will qualify him or her to discharge those duties.
- B. The examiner shall hold no other appointive or elective office or position in the city except that the same person may also serve as land use hearing examiner.
- C. The examiner shall be an independent contractor and not an employee of the city.
- D. The terms of employment for the examiner shall be specified in a written agreement prepared by the city administrator and/or the city attorney and approved by the mayor and a majority vote of the city council. The agreement shall set forth the scope of work, the duration of the appointment, the procedure for removal, the amount of compensation, and such other provisions deemed appropriate.
- E. Vacancies shall be filled in the same manner as initial appointments.
- F. If the examiner disqualifies himself or herself, or is otherwise unable or unavailable to serve, the hearing shall be conducted by a pro tem examiner. The pro tem examiner shall be appointed and retained as provided in Section 2.13.030. The regular examiner shall be responsible for transferring any case to a pro tem examiner.

(Ord. 1255 § 2 (Exh. B (part)), 2006)

2.13.040 Freedom from improper influence.

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

(Ord. 1255 § 2 (Exh. B (part)), 2006)

2.13.050 Conflict of interest.

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

2.13.060 Rules.

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

2.13.070 Powers and duties.

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

- A. Civil infractions for failure to comply with CEMC Chapter 5.02, Business License and Tax Regulations;
- B. Civil infractions for failure to comply with CEMC Chapter 5.12, Public Dances;
- C. Civil infractions for failure to comply with CEMC Chapter 5.16, Pawnbrokers and Secondhand Dealers;
- D. Civil infractions for failure to comply with CEMC Chapter 5.20, Taxis;
- E. Civil infractions for failure to comply with CEMC Chapter 6.04, Regulation of Animals and Fowl;
- F. Civil infractions for failure to comply with CEMC Chapter 8.04, Manufacture, Storage, Preparation and Sale of Food;
- G. Civil infractions for failure to comply with CEMC Chapter 8.08, Garbage Collection;
- H. Civil infractions for failure to comply with CEMC Chapter 8.12, Nuisances;
- I. Civil infractions for failure to comply with CEMC Chapter 8.16, Junk Vehicle and Hulks;
- J. Civil infractions for failure to comply with CEMC Chapter 8.20, Junkyards;
- K. Civil infractions for failure to comply with CEMC Chapter 8.32, Storing of Automobiles in Public and Private Garages;
- L. Civil infractions for failure to comply with CEMC Chapter 8.36, Storage of Gasoline, Benzine or

Naphtha;

- M. Civil infractions for failure to comply with CEMC Chapter 8.40, Petroleum Fuel Burning Equipment;
 - N. Civil infractions for failure to comply with CEMC Chapter 8.44, Camping Within City Limits;
 - O. Civil infractions for failure to comply with CEMC Chapter 8.48, Television and Radio Antennas;
 - P. Civil infractions for failure to comply with CEMC Chapter 15.04, Building Code;
 - Q. Civil infractions for failure to comply with CEMC Chapter 15.06, Dangerous Buildings;
 - R. Civil infractions for failure to comply with CEMC Chapter 15.20, Sign Code;
 - S. Civil infractions for failure to comply with CEMC Chapter 15.22, Historic Preservation;
 - T. Civil infractions for failure to comply with CEMC Chapter 15.24, Flood Hazard Prevention;
 - U. Civil infractions for failure to comply with CEMC Chapter 15.28, Environmental Policy;
 - V. Civil infractions for failure to comply with CEMC Chapter 15.30, Grading, Excavation and Land Filling;
 - W. Civil infractions for failure to comply with CEMC Title 16, Subdivisions;
 - X. Civil infractions for failure to comply with CEMC Title 17, Zoning;
 - Y. Civil infractions for failure to comply with CEMC Title 18, Critical Areas Development.
- (Ord. 1255 § 2 (Exh. B (part)), 2006)

2.13.080 Appeal of examiner's decision.

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

(Ord. 1255 § 2 (Exh. B (part)), 2006)

2.13.090 Report by the planning department.

When such application has been set for public hearing, if required, the planning department shall coordinate and assemble the comments and recommendations of other city departments and other governmental agencies having an interest in the subject application and shall prepare a report summarizing the issues involved, planning department findings of fact, recommended conditions and/or recommended action. This report shall be transmitted to the examiner at least four calendar days prior to the scheduled hearing. Copies of

this report shall be mailed to the applicant prior to the hearing and shall be made available to the public for the cost of reproduction prior to the scheduled hearing.
(Ord. 1255 § 2 (Exh. B (part)), 2006)

2.13.100 Examiner's decision--Findings required.

Unless the time is extended pursuant to this section, within ten calendar days of the conclusion of a hearing, or the date set for submission of additional information pursuant to this chapter, the examiner shall render a written decision, including findings from the record and conclusions therefrom, and shall transmit a copy of such decision by regular mail, or in person, to the city of Cle Elum and file a copy of the decision with the court of competent jurisdiction. The city of Cle Elum shall transmit the decision to all affected parties and other parties of record in the case who have requested notice of the decision at the public hearing. The person mailing the decision shall prepare an affidavit of mailing, in standard form, and the affidavit shall become a part of the record of the proceeding.
(Ord. 1255 § 2 (Exh. B (part)), 2006)

Chapter 2.15

FIRE DEPARTMENT

Sections:

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

2.15.010 Title.

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

2.15.020 Charter--Required.

Each company of the Cle Elum fire department as provided in this chapter shall receive a charter from the council signed by the mayor and clerk and sealed with the seal of the city. The charter shall give the names

of the company, date of organization and names of its members. All names appearing on the charter shall be known as charter members of the " _____ Company."
(Ord. 42 § 2, 1903)

2.15.030 Organization.

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

2.15.040 Chief--Election and duties generally.

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

2.15.050 Board of officers.

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

2.15.060 Assistant chief.

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

2.15.070 Command in absence of chief.

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

2.15.080 Chief--Removal.

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

(Ord. 42 § 8, 1903)

2.15.090 Chief--Fire warden.

The chief of the fire department is constituted fire warden of the city.

(Ord. 42 § 9, 1903)

2.15.100 Charter--Names of members.

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

(Ord. 42 § 10, 1903)

2.15.110 Right of entry and appointment of special policemen.

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

(Ord. 113 § 1, 1909)

2.15.120 Right-of-way.

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

(Ord. 113 § 2, 1909)

2.15.130 False alarm prohibited.

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

2.15.140 Penalty for violation.

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

2.15.150 Equipment use outside city authorized.

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

2.15.160 Mutual aid agreements authorized.

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

2.15.170 Death and disability benefits--Authorized.

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

2.15.180 Death and disability benefits--Enrollment.

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

2.15.190 Number of members.

The volunteer fire department personnel of the city shall not at any time exceed twenty-five firemen for each one thousand of population, or fraction thereof of the city's population; provided, that at no time shall the

membership of the fire department be less than fifteen firemen.
(Ord. 397 § 3, 1945)

Chapter 2.18

USE OF CITY HALL AND FIRE STATION NO. 1

Sections:

2.18.010 Purpose.

2.18.020 Regulations governing use.

2.18.030 Smoking prohibited where gas or oil are stored.

2.18.040 Smoking prohibited to all.

2.18.050 Exemptions.

2.18.060 Penalty for violation.

2.18.010 Purpose.

This chapter is passed to protect and regulate the use of the city hall and Fire Station No. 1 and to insure their availability for city governmental functions.

(Ord. 451 § 1, 1950)

2.18.020 Regulations governing use.

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

(Ord. 451 § 2 (part), 1950)

2.18.030 Smoking prohibited where gas or oil are stored.

Smoking is prohibited in the councilroom and library and in any room in the above described premises wherein any fire truck, automobile, tractor, truck, gasoline or oil is kept or stored.

(Ord. 451 § 2 (part), 1950)

2.18.040 Smoking prohibited to all.

Notwithstanding Section 2.18.050, the prohibition against smoking contained in Section 2.18.030 shall apply to all persons, without exception. Notwithstanding the other provisions of this chapter, smoking is permitted in the councilroom of the city hall.

(Ord. 475 § 1, 1951; Ord. 453 § 1, 1950; Ord. 451 § 6, 1950)

2.18.050 Exemptions.

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

(Ord. 451 § 3, 1950)

2.18.060 Penalty for violation.

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

(Ord. 451 § 4, 1950)

Chapter 2.21

EQUAL OPPORTUNITY EMPLOYMENT POLICY

Sections:

2.21.010 Purpose.

2.21.020 Discrimination prohibited.

2.21.030 Hearing.

2.21.010 Purpose.

It is the purpose and intent of this chapter that all persons shall have equal opportunity with respect to employment, employment opportunities, and all other activities of the city.

(Ord. 684 § 1, 1974)

2.21.020 Discrimination prohibited.

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

(Ord. 684 § 2, 1974)

2.21.030 Hearing.

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

(Ord. 684 § 3, 1974)

Chapter 2.24

POLICE DEPARTMENT

Sections:

2.24.010 Establishment of civil service.

2.24.020 Adoption of civil service statutes by reference.

2.24.030 Eligibility of police officers for salary step increases.

2.24.010 Establishment of civil service.

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

2.24.020 Adoption of civil service statutes by reference.

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

2.24.030 Eligibility of police officers for salary step increases.

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

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

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

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

Chapter 2.27

POLICE CIVIL SERVICE

Sections:

2.27.010 Police force personnel.

2.27.020 Civil service commission.

2.27.010 Police force personnel.

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

2.27.020 Civil service commission.

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

Chapter 2.30

SURETY BONDS

Sections:

2.30.010 Source.

2.30.010 Source.

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

Chapter 2.33

WORK HOURS FOR CITY EMPLOYEES AND OFFICERS

Sections:

2.33.010 Work hours.

2.33.010 Work hours.

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

city therefor. This section is not limited to the year 1959.
(Ord. 549 § 2, 1959)

Chapter 2.36

OVERTIME SALARIES

Sections:

2.36.010 Overtime salaries.

2.36.020 Separate itemized vouchers required.

2.36.010 Overtime salaries.

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

(Ord. 642 § 1, 1971)

2.36.020 Separate itemized vouchers required.

No payment for such overtime work shall be made by the city unless and until a separate itemized voucher for each emergency has been submitted to the city council and audited and approved by the city council.

(Ord. 642 § 2, 1971)

Chapter 2.39

SOCIAL SECURITY SYSTEM

Sections:

2.39.010 Protection of employees.

2.39.020 Coverage.

2.39.030 Plans required.

2.39.040 Contribution of funds.

2.39.050 Implementation.

2.39.010 Protection of employees.

The legislature of the state of Washington has enacted a statute known as Chapter 184, Laws of 1951, as codified in RCW Chapter 41.48, which, in conjunction with the amendment of the Federal Social Security Act by the Congress of the United States, enables the political subdivisions of the state of Washington to take all action necessary of effectuate the coverage of their employees and officers under the federal old age and

survivors' insurance system. It is believed that protection of the Social Security System will greatly benefit the employees of the city, and also this municipality by attracting to it and enabling it to retain the best of personnel and thus increase the efficiency of its government. And it is deemed that the payment by the municipality of its portion of the cost of said system is a payment for a municipal purpose.
(Ord. 471 § 1, 1951)

2.39.020 Coverage.

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

2.39.030 Plans required.

The mayor and the city clerk are authorized to execute and deliver to the Washington Department of Employment Security for its approval the plan or plans required under the provisions of Section 5 of the enabling act and of the Social Security Act to extend coverage to the employees and officers of this municipality, and to do all other things necessary to that end.
(Ord. 471 § 3, 1951)

2.39.040 Contribution of funds.

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

2.39.050 Implementation.

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

Chapter 2.42

RETIREMENT SYSTEM

Sections:

- 2.42.010 Participation.**
- 2.42.020 Members.**
- 2.42.030 Copy filed.**
- 2.42.040 Prior service credit.**
- 2.42.050 Basis of coverage.**
- 2.42.060 Basis of compensation.**

2.42.010 Participation.

The city has elected and does elect to participate as a member of Statewide City Employees Retirement

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

2.42.020 Members.

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

2.42.030 Copy filed.

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

2.42.040 Prior service credit.

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

2.42.050 Basis of coverage.

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

2.42.060 Basis of compensation.

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

Chapter 2.45

PUBLIC LIBRARY

Sections:

2.45.010 Established.

2.45.020 Board of trustees.

2.45.030 Free to public.

2.45.010 Established.

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

2.45.020 Board of trustees.

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

(Ord. 150 § 2, 1914)

2.45.030 Free to public.

The library shall be forever free for the use of the inhabitants of the city, subject to such reasonable rules and regulations as the trustees may find necessary.

(Ord. 150 § 3, 1914)

Chapter 2.48

CITY CEMETERIES

Sections:

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

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

2.48.010 Cemetery names.

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

2.48.020 Cemetery advisory board.

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

B. The term for which the first members of the cemetery advisory board are appointed shall vary from one to five years, so that the term of only one member of the board will expire each year. Thereafter the persons appointed to the board shall be appointed for a term of five years. Vacancies on the board shall be filled by appointment of the mayor, to fill the unexpired terms.

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

2.48.030 Cemetery plat and records.

There shall be kept in the office of the city clerk and also in the office of the cemetery sexton an accurate and permanent record of the ownership of lots in the cemetery and the status of such lots, showing all transfers of lots, the names and addresses of the owners, the lots in which interments have been made and the

names of the persons interred, and such other information as may be deemed advisable. The city clerk and the cemetery sexton shall each keep in their records a plat or plats, accurate and up to date, of all city cemeteries. This duplication of cemetery records is necessary to insure at all times the preservation of accurate cemetery information.

(Ord. 558 § 3, 1960)

2.48.040 Cemetery sexton.

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

B. The sexton, superintendent or other person in charge of the cemetery, and such other persons as may be designated by the city authorities, are by the law of the state and this chapter given the authority of a police officer for the purpose of maintaining order, enforcing the cemetery rules and regulations, and enforcing the laws of the state and the ordinances of the city within the city cemeteries and within such radius thereof as may be necessary to protect the cemetery property.

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

D. The city clerk and the cemetery sexton shall promptly notify each other of all matters brought to their attention which alter or affect the permanent records to be maintained by them.

(Ord. 558 § 4, 1960)

2.48.050 General regulations.

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

(Ord. 558 § 5(1), 1960)

2.48.060 Shrubs prohibited in designated areas.

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

(Ord. 558 § 5(2), 1960)

2.48.070 Monument compliance.

No monument, structure, effigy, inscription, sign, placard or thing shall be placed, kept or maintained

upon any lot or any other cemetery area except as specifically authorized by the ordinances, rules and regulations of the city, and if anything is placed or kept or maintained in violation thereof the sexton shall, with such other city help as is necessary, summarily remove the same, and the cost of removal shall be paid by the offending person or persons.

(Ord. 558 § 5(3), 1960)

2.48.080 Prohibited items.

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

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

B. Any such items already installed or maintained in the city cemeteries may be retained, subject to the provisions of Section 2.48.340, wherein the city reserves the right to exclude or remove the same.

(Ord. 564 §§ 1, 2, 1961)

2.48.090 Heavy vehicles prohibited on grounds.

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

(Ord. 558 § 5(5), 1960)

2.48.100 Responsibility for damage.

Every person entering any city cemetery area shall be responsible for all damage done by him or by any vehicle, person, animal or thing in his charge.

(Ord. 558 § 5(6), 1960)

2.48.110 Animals prohibited.

No animal shall be taken into or allowed to enter any cemetery area.

(Ord. 558 § 5(7), 1960)

2.48.120 Lot care by owners.

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

(Ord. 558 § 5(8), 1960)

2.48.130 Disturbing the peace.

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

(Ord. 558 § 5(9), 1960)

2.48.140 Vehicle regulations.

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

(Ord. 558 § 5(10), 1960)

2.48.150 Signs prohibited.

Signs and advertisements of every description are strictly prohibited in the cemeteries, except as necessary for cemetery regulation by the city.

(Ord. 558 § 5(11), 1960)

2.48.160 Firearms prohibited.

No person shall take any firearm or gun inside the cemeteries. This restriction shall not apply to those participating in a military funeral, or to law enforcement officers.

(Ord. 558 § 5(12), 1960)

2.48.170 Malicious mischief.

A. The following acts are prohibited, and every person is guilty of malicious mischief who unlawfully or without right wilfully does any of the following:

1. Destroys, cuts, mutilates, effaces, or otherwise injures, tears down or removes, any tomb, plot, monument, memorial, or marker in the city cemeteries, or any gate, door, fence, wall, post or railing, or any enclosure for the protection of the cemeteries or any property therein;
2. Destroys, cuts, breaks, removes or injures any building, statuary, ornamentation, tree, shrub, flower or plant within the cemeteries;
3. Disturbs, obstructs, detains or interferes with any person carrying or accompanying human remains to a cemetery or funeral establishment, or engaged in a funeral service, or an interment.

B. The foregoing provisions relating to malicious mischief do not apply to the removal or unavoidable breakage or injury, by the city or its agents or employees, of anything placed in or upon any

portion of the city cemeteries in violation of any of the rules or regulations of the city, nor to the removal of anything placed in the cemeteries by or with the consent of the city which has become in a wrecked, unsightly or dilapidated condition.

(Ord. 558 § 6, 1960)

2.48.180 Interments.

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

(Ord. 558 § 7(1), 1960)

2.48.190 Use of lots.

Lots are sold for the purpose of burial of the human dead only.

(Ord. 558 § 7(2), 1960)

2.48.200 Purchase of lots.

Lots may be purchased at the office of the city sexton or of the city clerk or from such professional developer as may be authorized by the city to make such sales.

(Ord. 558 § 7(3), 1960)

2.48.210 Burial permit required.

No burial will be permitted in the cemeteries without a proper burial permit as required by the laws of the state.

(Ord. 558 § 7(4), 1960)

2.48.220 Permission from city clerk or sexton.

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

(Ord. 558 § 7(5), 1960)

2.48.230 Records.

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

(Ord. 558 § 7(6), 1960)

2.48.240 Proof of ownership.

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

2.48.250 Transfer of lots.

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

2.48.260 Direction of burials and funerals.

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

2.48.270 Lot sizes.

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

2.48.280 Depth of graves.

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

2.48.290 Disinterments.

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

2.48.300 Plantings.

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

(Ord. 558 § 9(1), 1960)

2.48.310 Grade of lots.

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

2.48.320 Marker permit.

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

(Ord. 833 § 1, 1984; Ord. 558 § 9(3), 1960)

2.48.330 Memorial placement.

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

(Ord. 558 § 9(4), 1960)

2.48.340 Removal of headstone or other structures.

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

(Ord. 558 § 9(5), 1960)

2.48.350 Appearance regulations.

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

(Ord. 558 § 9(6), 1960)

2.48.360 Flat markers required.

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

(Ord. 558 § 9(7), 1960)

2.48.370 Upright headstones.

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

(Ord. 558 § 9(8), 1960)

2.48.380 Corner markers.

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

(Ord. 558 § 9(9), 1960)

2.48.390 Markers in garden sections.

All grave markers within garden sections of the cemeteries shall be flat and flush with the ground, surrounded by a two-inch border of concrete three inches in thickness, and shall be installed by the city at the expense of the lot owner.

(Ord. 558 § 9(10), 1960)

2.48.400 Lot care.

All grave spaces within garden sections will be sold only with lot care included.

(Ord. 558 § 9(11), 1960)

2.48.410 Construction material cleanup.

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

(Ord. 558 § 9(12), 1960)

2.48.420 Flat markers--Size and materials.

Flat grave markers shall not be less than twelve inches by twenty-four inches in size, nor more than fourteen inches by thirty-six inches in size, and shall be installed upon individual grave space. When double markers for marking two grave spaces are desired, a minimum size of twelve inches by thirty-six inches and a maximum size of fourteen inches by seventy-two inches will be allowed. All flat markers must be of bronze

alloy, aluminum alloy, granite or marble. Markers made of entire concrete composition will not be allowed. All flat markers shall have a concrete border as above described.
(Ord. 558 § 9(13), 1960)

2.48.430 Graves space size.

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

2.48.440 Grave liners required.

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

2.48.450 Flower holders.

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

2.48.460 Temporary marker replacement.

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

2.48.470 Development of cemeteries.

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

2.48.480 Cemetery charges.

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

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

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

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

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

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

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

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

5. The fees enumerated above shall be increased by two percent every year for three years, the first increase beginning one year after the effective date of the ordinance codified in this section, unless this section of the ordinance codified in this section is hereafter repealed or amended.

(Ord. 1108 § 1, 1999: Ord. 1060 §§ 1 -- 3, 1997: Ord. 1055 § 1, 1997: Ord. 558 § 10, 1960)

2.48.550 Deeds or certificates of ownership.

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

(Ord. 558 § 12, 1960)

2.48.560 Liability of the city.

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

(Ord. 558 § 13, 1960)

2.48.570 Penalty for violation.

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

(Ord. 558 § 15, 1960)

Chapter 2.51

AIRPORT PROPERTY REGULATIONS

Sections:

2.51.010 Police authority same as in city.

2.51.020 Ordinances applicable to airport property.

2.51.030 Rubbish.

2.51.040 Animals prohibited.

2.51.050 Fires and fire hazards.

2.51.060 Hunting prohibited.

2.51.070 Vehicles prohibited.

2.51.080 Unauthorized personnel.

2.51.090 Damage or destruction of properties.

2.51.100 Traffic pattern.

2.51.110 Penalty for violation.

2.51.010 Police authority same as in city.

For the purpose of this chapter the police and firemen of the city shall have the same authority and jurisdiction over the airport properties generally described as the Southeast Quarter of Section Thirty, in Township Twenty North, Range Sixteen EWM, in Kittitas County, as the police and firemen have within the

city limits of the city. And for all purposes of this chapter, the airport properties shall be considered and treated as if lying within the limits of the city, insofar as the application and enforcement of this chapter is concerned. (Ord. 643 § 1, 1971)

2.51.020 Ordinances applicable to airport property.

The following existing ordinances of the city shall apply to the airport property and be in full force and effect there: Ordinance 23, dealing generally with affrays and disorderly conduct, as codified in Chapters 9.04, 9.12 and 9.40; Ordinance 436, affrays and disorderly conduct, as codified in Chapters 9.04, 9.12 and 9.40; Ordinance 448, prohibiting discharges of guns, as codified in Chapter 9.44; Ordinance 484, prohibiting use of and furnishing of intoxicating liquors to minors, as codified in Chapter 9.36; and Ordinance 517, nuisances in general, as codified in Chapter 8.20. (Ord. 643 § 2, 1971)

2.51.030 Rubbish.

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

2.51.040 Animals prohibited.

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

2.51.050 Fires and fire hazards.

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

2.51.060 Hunting prohibited.

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

2.51.070 Vehicles prohibited.

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

(Ord. 643 § 7, 1971)

2.51.080 Unauthorized personnel.

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

(Ord. 643 § 8, 1971)

2.51.090 Damage or destruction of properties.

No person shall in any way damage or destroy any aircraft, hangar, fence, gate, building, lighting system, wiring, pipe, equipment, vehicle, or other property on the airport property.

(Ord. 643 § 9, 1971)

2.51.100 Traffic pattern.

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

(Ord. 643 § 10, 1971)

2.51.110 Penalty for violation.

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

(Ord. 643 § 11, 1971)

Chapter 2.53

MUNICIPAL COURT

Sections:

2.53.010 Creation and name of court.

2.53.020 Jurisdiction.

2.53.030 Penalties.

2.53.040 Pleadings, practice and procedure.

2.53.050 Judges--Appointment and qualifications.

2.53.055 Court commissioners--Appointment and qualifications.

2.53.060 Oath of office.

2.53.070 Salaries of the municipal court judge.

2.53.080 Judges pro tem.

2.53.090 Vacancies.

2.53.100 Sessions of the court.

2.53.110 Jury fees.

2.53.120 Seal of the court.

2.53.130 Criminal process.

2.53.140 Transition.

2.53.010 Creation and name of court.

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

2.53.020 Jurisdiction.

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

2.53.030 Penalties.

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

2.53.040 Pleadings, practice and procedure.

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

2.53.050 Judges--Appointment and qualifications.

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

B. The person appointed as a municipal judge shall be a citizen of the United States of America, and of the state of Washington.

(Ord. 819 § 1 (part), 1984)

2.53.055 Court commissioners--Appointment and qualifications.

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

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

2.53.060 Oath of office.

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

(Ord. 819 § 1 (part), 1984)

2.53.070 Salaries of the municipal court judge.

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

(Ord. 819 § 1 (part), 1984)

2.53.080 Judges pro tem.

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

(Ord. 819 § 1 (part), 1984)

2.53.090 Vacancies.

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

(Ord. 819 § 1 (part), 1984)

2.53.100 Sessions of the court.

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

2.53.110 Jury fees.

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

2.53.120 Seal of the court.

The municipal court shall have a seal which shall be the vignette of George Washington, with the words "Seal of the Municipal Court of the City of Cle Elum, State of Washington," surrounding the vignette.
(Ord. 819 § 1 (part), 1984)

2.53.130 Criminal process.

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

2.53.140 Transition.

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

Chapter 2.55

SWIMMING POOL BOARD

Sections:

2.55.010 City council determination.

2.55.020 Appointment--Membership--Authority.

2.55.030 Term--Vacancy filling.

2.55.040 Expenses.

2.55.010 City council determination.

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

2.55.020 Appointment--Membership--Authority.

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

2.55.030 Term--Vacancy filling.

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

2.55.040 Expenses.

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

Chapter 2.60

HEARINGS EXAMINER

Sections:

2.60.010 Purpose.

2.60.020 Creation of hearings examiner office.

2.60.030 Appointment.

2.60.040 Qualifications.

2.60.050 Compensation.

2.60.060 Authority.

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

2.60.080 Duties of the examiner.

2.60.090 Procedures.

2.60.100 Hearing conduct.

2.60.010 Purpose.

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

2.60.020 Creation of hearings examiner office.

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

2.60.030 Appointment.

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

2.60.040 Qualifications.

The examiner shall be appointed solely with regard to his or her qualifications and experience to carry out the duties of the office, including conducting administrative and quasi-judicial hearings on regulatory enactments and to discharge the other functions granted thereto. Examiners shall hold no other elective or appointive office or position in city government. (Ord. 1138 § 1, 2001)

2.60.050 Compensation.

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

2.60.060 Authority.

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

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

- A. No examiner may conduct or participate in any hearing in which the examiner has a direct or

indirect personal or financial interest in which might interfere with the examiner's ability to make a fair and impartial decision or recommendation. Actual or potential conflict of interest shall be disclosed to the city, the applicant and other parties upon discovery of such conflict. If a conflict of interest is present the remainder of the issue being considered by the examiner shall be conducted by a different examiner or body.

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

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

2.60.080 Duties of the examiner.

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

2.60.090 Procedures.

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

2.60.100 Hearing conduct.

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