
Kittitas County Code

Title 9 | Public Peace, Safety and Morals

Chapters

- 9.04 Repealed
- 9.08 Repealed
- 9.10 Boating Safety
- 9.12 Repealed
- 9.16 Motor Boats Prohibited on Cooper Lake
- 9.17 Boating on Gladmar Pond and Lavender Lake
- 9.18 Boating on Little Kachess Lake
- 9.20 Hunting Restrictions with High Powered Rifles
- 9.21 Supervised Hunting
- 9.24 Repealed
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Chapter 9.04

CURFEW

(Repealed by Ord. 99-09)

Chapter 9.08

DEPOSITING TRASH IN PUBLIC LAKES

(Repealed by Ord. 94-21)

Chapter 9.10 BOATING SAFETY

Sections

- 9.10.010 Legislative findings - Purpose.
- 9.10.020 Definitions.
- 9.10.025 Public access area signs and buoys.
- 9.10.030 Prohibition.
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- 9.10.040 Violation - Penalty.

9.10.010 Legislative findings - Purpose.

Recreational use of waters in Kittitas County has grown rapidly. Residents and visitors of Kittitas County use the waters of Kittitas County for swimming, boating, floating, wading, fishing and other recreational purposes. It is expressly the purpose of this Chapter to provide for and promote the health, safety and welfare of the general public. This Chapter is not intended to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by its terms. (Ord. 2011-02, 2011; Ord. 99-09, 1999; Ord. 93-5 § 1, 1993).

9.10.020 Definitions.

Terms in this chapter shall mean as follows:

Motor Driven Vessels

All boats and vessels which are self-propelled by a motor. This does not include boats or vessels that are driven by wind energy or human effort. "Motor Driven Vessels" mentioned throughout the Chapter shall also include "personal watercraft" as defined herein.

Official motorized vessel

Any motor driven vessel which is operated by a person who is under the control, supervision or administrative authority of any local, state, or federal agency. "Official motorized vessel" includes private and governmental vessels which are engaged in search and rescue activities under the direction of the Sheriff of Kittitas County.

Operator

An individual who steers, directs, or otherwise has physical control of a vessel that is underway or exercises actual authority to control the person at the helm.

Personal watercraft

A vessel of less than sixteen feet that uses a motor powering a water jet pump as its primary source of motive power and that is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

Vessel

Every description of watercraft on the water, other than a seaplane, used or capable of being used as a means of transportation on the water. However, it does not include inner tubes, air mattresses, sailboards, small rafts, flotation devices or toys customarily used by swimmers.

Yakima River

The flowing portion of the Yakima River and any waters which result from the flow of the Yakima River and are connected to the Yakima River by water except for irrigation canals. The "Yakima River" includes its sloughs, backwaters and dammed portions. (Ord. 2011-02, 2011; Ord. 99-09, 1999; Ord. 93-5 § 2, 1993)

9.10.025 Public access area signs and buoys.

Upon all waters in the County at public access areas where the waters are used extensively for swimming, launching and removing boats, and water skiing, there shall be designated by proper signs and markers locations of boat launching ramps, skiing areas, and swimming areas, as well as appropriately marked safety buoys as required to separate and define the said boat ramp approaches, skiing areas, and swimming areas for the safety of the public. The county road engineer may have such markers installed. It is unlawful for any unauthorized person to move or tamper with such buoys. (Ord. 2011-02, 2011)

9.10.030 Prohibition.

1. There is established in the immediate vicinity of the Bureau of Land Management Roza Access Area a "zone" in which boat speed limit is five miles per hour and in which no wakes shall be created by motor driven vessels which are not official motorized vessels. The boundaries of this "zone" shall be determined and designated and signed jointly by the area manager of the Bureau of Land Management and the Kittitas County Sheriff's Office.
2. The operation of motor driven vessels which are not official motorized vessels is prohibited on the Yakima River from the upstream boundary of the boat speed "zone" established in subsection (1) of this section, to a line drawn by the downstream edge of the railroad trestle owned by Central Washington Railroad, which is southwest of SR 821 and visible from SR 821 at Mile Post 23.
3. A restrictive permit to allow short term operation of motor driven vessels on the Yakima River in areas previously unauthorized may be requested through the Sheriff or his designee. Such permit system will be operated in such a manner as to allow only persons with demonstrable needs for access to the restricted zone. Such persons would be allowed one yearly permit that could be activated upon appropriate notification to the Sheriff of activated dates. Permits would allow motor driven vessel operation only during the hours of daylight. Permits would be issued through the Sheriff's Office only after a written request is submitted and authorized. Any request for a permit must state specifically the reason for the request. Approval or denial of the permit request would rest solely with the Sheriff or his designee. Once authorized, motor driven vessels operating under this permit shall be limited to 20MPH. Any substantiated allegations of negligent or reckless vessel operation by any permit holder shall result in the immediate revocation and suspension of the permit and any related privileges. (Ord. 2011-02, 2011; Ord. 9909, 1999; Ord. 93-5 § 3, 1993; Ord. 2003-08, 2003)

9.10.035 Unlawful wake zone.

It is unlawful for any person to operate a motor driven vessel at a speed of more than five miles per hour and create any wakes when said motor driven vessel is within 150 feet of any swimmer, shoreline, dock, float, launching ramp, or non-motorized vessel. Exceptions to this subsection are the Yakima and Cle Elum Rivers and their tributaries. (Ord. 2011-02, 2011)

9.10.040 Violation - Penalty.

Any person, firm, or corporation who violates any of the sections of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than one thousand dollars per violation, or both such imprisonment and fine. (Ord. 2011-02, 2011; Ord. 99-09, 1999; Ord. 93-5 § 4, 1993).

Chapter 9.12

MOTOR BOAT LICENSING - REGULATION OF OPERATION

(Repealed by Ord. 2011-02, 2011)

Chapter 9.16

MOTOR BOATS PROHIBITED ON COOPER LAKE

Sections

9.16.010 Violation.

9.16.020 Motor driven boats and vessels defined.

9.16.030 Penalty.

9.16.040 Purpose.

9.16.010 Violation.

It is unlawful and a violation of this chapter to operate any motor driven boat, vessel or aircraft of any type on Cooper Lake located in Township 22 North, Range 13 East, Kittitas County, Washington. (Ord. 2011-02, 2011; Ord. 99-09, 1999; Ord. 63-1 § 1, Vol. M, p. 517, 1963).

9.16.020 Motor driven boats and vessels defined.

For the purpose of this chapter "Motor driven boats and vessels" are defined as all boats and vessels which are self-propelled by a motor. This does not include boats or vessels that are driven by wind energy or human effort. "Vessel" includes every description of watercraft on the water, other than a seaplane, used or capable of being used as a means of transportation on the water. However, it does not include inner tubes, air mattresses, sailboards, small rafts, flotation devices or toys customarily used by swimmers. (Ord. 2011-02, 2011; Ord. 99-09, 1999; Ord. 63-1 § 2, Vol. M, p. 517, 1963).

9.16.030 Penalty.

Any person, firm, or corporation who violates any of the sections of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than one thousand dollars per violation, or both such imprisonment and fine. (Ord. 2011-02, 2011).

9.16.040 Purpose.

It is expressly the purpose of this Chapter to provide for and promote the health, safety and welfare of the general public. This Chapter is not intended to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by its terms. (Ord. 2011-02, 2011)

Chapter 9.17

BOATING ON GLADMAR POND AND LAVENDER LAKE

Sections

9.17.010 Repealed. (Ord. 2011-02, 2011)

9.17.015 Gasoline-powered motor driven boats and vessels - Prohibited.

9.17.017 Gasoline-powered motor driven boats and vessels defined.

9.17.020 Gasoline-powered motor boats - Penalty for violation.

9.17.030 Purpose.

9.17.015 Gasoline-powered motor driven boats and vessels - Prohibited.

It is unlawful and a violation of this chapter to operate any gasoline-powered motor driven boat or vessel on Lavender Lake, an inland body of water located within the borders of Kittitas County Township 20 North, Range 14 East. (Ord. 2011-02, 2011; Ord. 2006-42, 2006)

9.17.017 Gasoline-powered motor driven boats and vessels defined.

For the purpose of this chapter "Gasoline-Powered Motor driven boats and vessels" are defined as boats and vessels which are self propelled by gasoline motors. "Vessel" includes every description of watercraft on the water, other than a seaplane, used or capable of being used as a means of transportation on the water. However, it does not include inner tubes, air mattresses, sailboards, small rafts, flotation devices or toys customarily used by swimmers. (Ord. 2011-02, 2011)

9.17.020 Gasoline-powered motor boats - Penalty for violation.

Any person, firm, or corporation who violates any of the sections of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than one thousand dollars per violation, or both such imprisonment and fine. (Ord. 2011-02, 2011; Ord. 9909, 1999; Ord. 82-1 § 2, 1982).

9.17.030 Purpose.

It is expressly the purpose of this Chapter to provide for and promote the health, safety and welfare of the general public. This Chapter is not intended to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by its terms. (Ord. 2011-02, 2011)

Chapter 9.18

BOATING ON LITTLE KACHESS LAKE

Sections

9.18.010 Speed of motor boats - Limited.

9.18.015 Motor driven boats and vessels defined.

9.18.020 Speed of motor boats - Penalty for violation.

9.18.030 Purpose.

9.18.010 Speed of motor boats - Limited.

It is unlawful and a violation of this chapter to operate any motor driven boat or vessel in excess of 10 miles per hour on Little Kachess lake, said lake being located in the northeast quarter and the northeast quarter of the southeast quarter of the southeast quarter of Section 32 and in Sections 17, 20 and 29, all in Township 22, Range 13 EWM, Kittitas County, Washington. (Ord. 2011-02, 2011; Ord. 99-09, 1999; Ord. 82-5 § 1, 1982)

9.18.015 Motor driven boats and vessels defined.

For the purpose of this chapter "Motor driven boats and vessels" are defined as all boats and vessels which are self-propelled by a motor. This does not include boats or vessels that are driven by wind energy or human effort. "Vessel"

includes every description of watercraft on the water, other than a seaplane, used or capable of being used as a means of transportation on the water. However, it does not include inner tubes, air mattresses, sailboards, small rafts, flotation devices or toys customarily used by swimmers. (Ord. 2011-02, 2011)

9.18.020 Speed of motor boats - Penalty for violation.

Any person, firm, or corporation who violates any of the sections of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than one thousand dollars per violation, or both such imprisonment and fine. (Ord. 2011-02, 2011; Ord. 9909, 1999; Ord. 82-5 § 2, 1982)

9.18.030 Purpose.

It is expressly the purpose of this Chapter to provide for and promote the health, safety and welfare of the general public. This Chapter is not intended to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by its terms. (Ord. 2011-02, 2011)

Chapter 9.20

HUNTING RESTRICTIONS WITH HIGH POWERED RIFLES*

Sections

9.20.010 Areas closed to use of high powered rifles.

9.20.020 Carrying loaded rifles unlawful.

9.20.030 Big game hunting exempt.

9.20.040 Penalty for violations.

* For the statutory provisions regarding game and game fish, see RCW Title 77, generally.

9.20.010 Areas closed to use of high powered rifles.

During any special or regular deer or elk high powered rifle hunting season in Kittitas County, the following areas in Kittitas County shall be closed to use of high powered rifles:

1. Area No. 1 - West Side, Lower Kittitas Valley.

That area of Kittitas County bounded by a line, commencing at a point where the Taneum Creek enters the Yakima River, following the said Taneum Creek up stream to a point where the south branch of the Highline Canal crosses said Creek, thence southeasterly along the south branch of the Highline Canal to the intersection of the north line of Section 21, T. 17 N., R. 18, E.W.M., thence from said section line in an easterly direction following along the south boundaries of all irrigated lands to the Yakima River and thence upstream along the Yakima River to the point of beginning.

2. Area No. 2 - Cle Elum, Roslyn and Ronald.

The south one-half of Section 30, Township 20 North, Range 16 E.W.M. That portion of Section 36 which lies north of Interstate 90; that portion of Section 25, 26, 27 and 22 which lies south of the Maple Valley Rocky Reach power line; the northwest one-quarter and the east one-half of Section 28; the south one-half and the northwest one-quarter of Section 21, the southwest one-quarter and the west one-half of the northwest one-quarter of Section 16; the north one-half and the southeast one-quarter of Section 18; and the southwest one-quarter of Section 7, all in Township 20 North, Range 15 E.W.M. The east one-half of the east one-half of the

south one-half of Section 12 and the east one-half of the northeast one-quarter of Section 13, all in Township 20 North Range 14 E.W.M.

3. Area No. 3 - South Cle Elum, PeohPoint.

That portion of Section 33 which lies east of the Yakima River. All of Sections 34 and 35 and that portion of Section 36 which lies south of the north R/W of Interstate 90, Township 20 North, Range 15 E.W.M. All of Sections 1, 2, 3, 4, 5, 6, 8 and 12, Township 19 North, Range 15 E.W.M., and all of Section 6, Township 19 North, Range 16 E.W.M.

4. Area No. 4 - North Side, Lower Kittitas Valley.

That area of Kittitas County bounded by a line, commencing at a point on the Yakima River at the intake of the Cascade Canal in Section 18, Township 18 N., Range 18 E.W.M., thence following the Cascade Canal until it intersects US 97 in Section 8, Township 18 North, Range 18 E.W.M.; thence northerly along US 97 until it intersects with the north branch of the Highline Canal in Section 25, Township 19 North, Range 17 E.W.M., thence southeasterly along the centerline of the north branch of the Highline Canal until it intersects with the west R/W line of Wilson Creek Road; thence north along said west R/W line of Wilson Creek Road to the intersection with the north R/W line of the Charlton Road; thence east along the north R/W line of the Charlton Road to its intersection with the west section line of Section 27, T. 19 N., R. 19 E.W.M.; thence south along the west section line of Section 27, and 34, T. 19 N., R. 19, E.W.M., to the intersection with the north R/W line of the Thomas Road; thence easterly along the north R/W line of the Thomas Road to the intersection of the east R/W line of the Fairview Road; thence south along the east R/W line of the Fairview Road to the intersection with the centerline of the north branch of the Highline Canal; thence southeasterly along the said centerline of the north branch of the Highline Canal to the intersection with the north line of the SW 1/4 SE 1/4, Section 11, T. 18 N., R. 19 E.W.M.; thence east along the 1/16 line to a point intersecting the west R/W line of the Cooke Canyon Road; thence north along the west R/W line of the Cooke Canyon Road to the intersection with the 1/4 line of Section 6, T. 18, R. 20 W.M. Thence east along said 1/4 line to the intersection of the east section line of said Section 6, thence south along the said section line to the SE corner of said Section 6. Thence east along the south section line of Section 5, T. 18 N., R. 20 E.W.M. to a point intersecting the east R/W line of the Colockum Road; thence south along the east R/W line of the Colockum Road to the centerline of the north branch of the Highline Canal; thence southeasterly along the centerline of said north branch of the Highline Canal to the intersection with the Turbine Ditch in Section 33, T. 17 N., R. 20 E.W.M., thence southerly along the Turbine Ditch to a point where the Turbine Ditch intersects the north line of Section 4, Township 16, Range 20 E.W.M.; thence east along said north line of Section 4 and along the north boundary of Section 3 to the northeast corner of Section 3, thence south along the east boundary of Sections 3, 10, 15 and 22 to a point where the east line of said Section 22 intersects the pump lateral of the Kittitas County Reclamation District; thence northwesterly along the pump lateral to a point where said pump lateral intersects the east line of Section 4, Township 16 North, Range 19 E.W.M.; thence north along the east line of said Section 4, to the northeast corner of said Section 4, thence west along the north line of Sections 4, 5 and 6 to the southeast corner of Section 31, thence north along the east line of Section 31, Township 17 North, Range 19 E.W.M., to the northeast corner of the southeast one-quarter of Section 31; thence west along the north line of the south one-half of Section 31 to a point where it intersects the Yakima River, thence up stream along the Yakima River to the point of beginning.

(Ord. 2015-010, 2015; Ord. 99-09, 1999; Ord. 73-1 § 1, 1973).

9.20.020 Carrying loaded rifles unlawful.

During the deer and elk hunting season it is unlawful to carry loaded rifles of legal caliber for said hunting in said areas by any person or persons. (Ord. 99-09, 1999; Ord. 73-1 § 2, 1973).

9.20.030 Big game hunting exempt.

This chapter shall not apply to the hunting of big game under such seasons as may be established by the Washington State Department of Fish and Wildlife for bow and arrow hunting and further shall not apply to the lawful use of shotguns for big game hunting. (Ord. 2015-010, 2015; Ord. 99-09, 1999; Ord. 73-1 § 3, 1973).

9.20.040 Penalty for violations.

Any violation of this chapter is a misdemeanor and upon conviction shall be punished by not more than 30 days in the county jail and/or a fine of not more than \$250.00, or both. (Ord. 99-09, 1999; Ord. 73-1 § 5, 1973).

Chapter 9.21

SUPERVISED HUNTING

Sections

9.21.010 Department of Wildlife supervised hunts authorized.

9.21.020 Twenty-four hours prior notice of special hunts required.

9.21.010 Department of Wildlife supervised hunts authorized.

Notwithstanding any other provision in this code, it shall not be unlawful to discharge a firearm in any area of the county if such discharge is done under the supervision and control of Washington State Department of Wildlife in the course of special hunts authorized by the Department of Wildlife to protect property or to manage wildlife populations. (Ord. 99-09, 1999; Ord. 91-6, 1991).

9.21.020 Twenty-four hours prior notice of special hunts required.

No Department of Wildlife special hunts shall be conducted in areas otherwise restricted or controlled to the use of firearms unless the Department of Wildlife agent has notified the Kittitas County sheriff, in writing, at least 24 hours prior to such special hunt. (Ord. 99-09, 1999; Ord. 91-6, 1991).

Chapter 9.24

TOPLESS WAITRESSES AND ENTERTAINERS

(Repealed by Ord. 99-09)

Chapter 9.28

HARVESTING AND TRANSPORTING FIREWOOD

(Repealed by Ord. 99-09)

Chapter 9.30

FIREWORKS*

Sections

- 9.30.010 Purpose.
- 9.30.020 Definitions.
- 9.30.030 Prohibition against discharge.
- 9.30.035 Fire Marshal's authority to prohibit discharge
- 9.30.040 Sale limits.
- 9.30.050 Type of fireworks allowed without permit.
- 9.30.060 Seizure of fireworks.
- 9.30.070 Penalty.
- 9.30.080 Other liabilities and legal rights not affected.
- 9.30.090 Effective date.

* Prior legislation: Ords. 92-13 and 94-12.

9.30.010 Purpose.

The board of county commissioners of Kittitas County recognizes that there are inordinately high risks to public health and safety within the unincorporated areas of Kittitas County 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 Class C (common) fireworks can occur in limiting the time during which said fireworks may be ignited. (Ord. 99-09, 1999; Ord. 95-6, 1995).

9.30.020 Definitions.

The words and phrases used for the purpose of this chapter shall have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning.

Common fireworks

Includes any fireworks which are designed primarily for sale at retail to the public during prescribed dates which produce visible or audible effects through combustion and are classified as common fireworks by the U.S. Bureau of Explosives or in the regulations in the U.S. Department of Transportation and designated at U.N. 0336 1.4G.

Person

Includes individual, firm, partnership, joint venture, association, concern, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

Public display of fireworks

An entertainment feature where the public is admitted or permitted to view the display or discharge of special fireworks.

Sale at retail

Includes any sale or transfer, including contracts or orders for sales or transfers, wherein any person at a fixed location or place of business sells, transfers or gives fireworks to a consumer or user.

Sale at wholesale

Includes a sale or transfer to a retailer or any other person for resale, and which also includes any sale or transfer of special fireworks to public display licensees.

Agricultural and wildlife fireworks

Includes fireworks devices distributed to farmers, ranchers, and growers, through a wildlife management program administered by the United States Department of Interior.

Fireworks

Any composition or device, in a finished state, containing any combustible or explosive substance for the purposes of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and classified as common or special fireworks by the United States Bureau of Explosives or contained in the regulations of the United States Department of Transportation and designated at U.N. 0335 1.3G or U.N. 0336 1.4G.

Special fireworks

Includes any fireworks designed primarily for exhibition display which produce visible or audible effects and classified as such by the U.S. Bureau of Explosives or in the regulations of the U.S. Department of Transportation and designated at U.N. 0335 1.3G.

Pyrotechnics

Any combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as a necessary part of a motion picture, radio or television production, theatrical, or opera.

Pyrotechnic operator

Includes any individual who by experience and training has demonstrated the required skill and ability for safety setting up and discharging public displays of special fireworks.

(Ord. 99-09, 1999; Ord. 95-6, 1995).

9.30.030 Prohibition against discharge.

Kittitas County prohibits the ignition or discharge of fireworks within the unincorporated areas of Kittitas County except between the period from 9:00 a.m. to 11:59 p.m. on July 4th and from 9:00 a.m. December 31st to 1:00 a.m. of the following day (January 1st) of each year. (Ord. 99-09, 1999; Ord. 956, 1995). The Kittitas County Fire Marshal may authorize ignition or discharge of fireworks on other days and times dependent on fire danger and subject to fireworks permit approval. As a condition of fireworks permit approval, the applicant shall be required to provide written notice to the landowners of all properties located within five hundred (500) feet of the site of the firework ignition or discharge. The notice shall include date and time of the proposed firework ignition or discharge. (Ord. 2019-006, 2019)

9.30.035 Fire Marshal's authority to prohibit discharge.

The Kittitas County Fire Marshal is authorized to prohibit the ignition or discharge of fireworks within the unincorporated areas of Kittitas County whenever the following fire danger components and indices have been reached or exceeded in at least one of three Remote Automated Weather Stations (RAWS):

1. The Burning Index is at least 18; and
2. The Fuel Moisture Content of the 10 hour fuels is below 8; and
3. The Energy Release Component is in the 90th percentile (42 for upper county and 44 for lower county); and
4. Fire weather predictions; and
5. Resource depletion

In the event that a burn ban has been established in accordance with KCC 20.08, the Fire Marshal is authorized to prohibit the ignition or discharge of fireworks, even if the above fire danger components and indices have not been reached or exceeded. (Ord. 2019-006, 2019; Ord. 2016-005, 2016)

9.30.040 Sale limits.

The county of Kittitas limits the sale of Class C (common) fireworks within the unincorporated areas of Kittitas County prior to 9:00 a.m. on July 1st or after 11:00 p.m. on July 4th and prior to 9:00 a.m. on December 31st or after 11:00 p.m. on December 31st of each year. (Ord. 99-09, 1999; Ord. 95-6, 1995).

9.30.050 Type of fireworks allowed without permit.

Only Class C (Common Fireworks USDOT 0336 1.4G) will be allowed to be sold, offered for sale, used, discharged, or possessed in Kittitas County, without additional permits and licenses as required by state law. All other types of fireworks, special, agricultural, wildlife, and public display will require additional permits from local officials. (Ord. 99-09, 1999; Ord. 95-6, 1995).

9.30.060 Seizure of fireworks.

Any fireworks which are illegally sold, offered for sale, used, discharged, possessed or transported in violation of the provisions of this chapter shall be subject to seizure by the ~~e~~Director of ~~public works~~Public Services, through the fire marshal, sheriff's department or code enforcement, or their deputies. Any fireworks seized under this section may be disposed of by the ~~director~~Director of ~~public works~~Public Services, through the ~~f~~ire ~~m~~arshal, by summary destruction at any time subsequent to 30 days from such seizure or 10 days from the final termination of proceedings under the provisions of RCW 70.77.440, whichever is later. (Ord. 99-09, 1999; Ord. 95-6, 1995).

9.30.070 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. 99-09, 1999; Ord. 95-6, 1995).

9.30.080 Other liabilities and legal rights not affected.

Nothing in this chapter shall add to or diminish any other legal rights, or liabilities, either civil or criminal, arising out of the negligent, reckless, knowing or intentional conduct of any person. (Ord. 99-09, 1999; Ord. 95-6, 1995).

9.30.090 Effective date.

Ordinance 95-6, codified in this chapter, shall be effective June 27, 1996, which is one year from the date of its adoption. (Ord. 99-09, 1999; Ord. 95-9, 1995).

Chapter 9.32**SHOOTING IN GRAVEL PITS**

(Repealed by Ord. 99-09)

Chapter 9.40**FIREARMS*****Sections**

9.40.010 Exemption from state law.

* See RCW 9.41.050(4) relating to restrictions about carrying firearms.

9.40.010 Exemption from state law.

The jurisdiction of Kittitas County is and shall be exempt from the prohibitions set forth in Subsection (4) [RCW 9.41.050(4)] as enacted and as may be hereafter modified or recodified. This exemption is made under the authority of RCW 9.41.050(6). (Ord. 99-09, 1999; Ord. 94-16 § 1, 1994).

Chapter 9.45 NOISE CONTROL

Sections

- 9.45.010 Declaration of policy.
- 9.45.020 Public disturbance - finding of special conditions.
- 9.45.030 Public disturbance - noise unlawful when.
- 9.45.040 Exemptions.
- 9.45.050 Enforcement.
- 9.45.060 Violation - penalty.
- 9.45.070 Variances.

Prior ordinance history for Chapter 9.45: Ord. 2014-010, 2014; Ord. 99-09, 1999; Ord. 95-14, 1995.

9.45.010 Declaration of policy.

It is declared the policy of the county to minimize the exposure of citizens to adverse effects of excessive noise and to protect, promote, and preserve the public health, safety and welfare. It is the express intent of the board of county commissioners to control the level of noise in a manner which promotes commerce; the use, value, and enjoyment of property, sleep and repose; and the quality of environment. (Ord. 2016-009, 2016; Ord. 2016-002, 2016)

9.45.020 Public disturbance - finding of special conditions.

The making, creation or maintenance of excessive, unnecessary or unusual loud noises which are prolonged and unusual in their time, place and use, affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the people of the county. The board of county commissioners and the county sheriff's department have received numerous citizen's complaints regarding noise and believe such noise constitutes a public disturbance. Special conditions within the county make necessary any and all differences between this chapter and regulations adopted by the Department of Ecology. (Ord. 2016-009, 2016; Ord. 2016-002, 2016)

9.45.030 Public disturbance - noise unlawful when.

1. It is unlawful for any person to make, continue, or cause to be made or continued or any person owning or in possession of property to make, continue, or cause to be made or continued or allow to originate from the property any sound which:
 - a. Is plainly audible within any dwelling unit which is not the source of the sound or is generated within two hundred feet of any dwelling unit, and;
 - b. Either reasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.
2. Sound which is "plainly audible" is sound that can be understood or identified.
3. It shall be a rebuttable presumption that sounds created between 8:00 a.m. and 10:00 p.m. do not unreasonably annoy, disturb, injure, or endanger.

(Ord. 2016-009, 2016; Ord. 2016-002, 2016)

9.45.040 Exemptions.

The following sounds are exempt from the provisions of this chapter:

1. Sounds originating from aircraft in flight and sounds which originate at airports and are directly related to flight operations;

2. Sounds created by safety and protective devices, such as relief valves, where noise suppression would defeat the safety release intent of the device;
3. Sounds created by fire alarms;
4. Sounds created by emergency equipment and emergency work necessary in the interests of law enforcement or of the health, safety or welfare of the community;
5. Sounds created by the discharge of firearms in the course of lawful hunting or target practice activities;
6. Sounds created by natural phenomena;
7. Sounds originating from [lawful] forest harvesting and silviculture activity, and from agriculture and livestock (not including sounds created by dogs);
8. Sounds created by auxiliary equipment on motor vehicles used for highway maintenance;
9. Sounds created by off-highway vehicles while being used in officially designated off-road vehicle parks. Such off-road vehicles are nevertheless subject to the provisions of RCW Chapter 46.09;
10. Sounds created by warning devices not operated continuously for more than thirty minutes per incident;
11. Sounds created by the operation of equipment or facilities of surface carriers engaged in commerce by operating on the railroad;
12. Sounds created by construction between 6:00 a.m. and 10:00 p.m.;
13. Sounds created by refuse removal equipment or personal snow removal equipment;
14. Sounds originated from officially sanctioned parades and other public events;
15. Sounds created by motor vehicles while being driven upon public highways. Such motor vehicles are nevertheless subject to the provisions of WAC Chapter 173-62;
16. Sounds originating from motor vehicle racing events at authorized facilities;
17. Sounds created by unamplified human voices from 6:00 a.m. to 10:00 p.m.;
18. Sounds created by lawn and garden equipment from 6:00 a.m. to 10:00 p.m.;
19. Sounds created by lawfully established commercial and industrial uses;
20. Sounds created by commercial kennels, veterinarians, animal shelters, pet shops, grooming parlors, commercial dog breeders;
21. Sounds created in conjunction with military operations or training.

(Ord. 2016-009, 2016; Ord. 2016-002, 2016)

9.45.050 Enforcement.

The county sheriff and other law enforcement officers are authorized and directed to enforce the provisions of this chapter. The provisions of this chapter shall be cumulative, nonexclusive, and supplementary, and shall not affect any other remedy, including without limitation, the provisions of Chapter 70.107 RCW. (Ord. 2016-009, 2016; Ord. 2016-002, 2016)

9.45.060 Violation - penalty.

Any person who violates the provisions of this chapter, shall, upon a finding of having committed the civil infraction thereof, be punished by a civil penalty in the amount of \$100 for the first offense, \$250 for the second offense, and \$500 for each offense thereafter. (Ord. 2016-009, 2016; Ord. 2016-002, 2016)

9.45.070 Variances.

From time to time, upon application to the board of county commissioners, further specific exemptions may be granted to this chapter on a fact and date specific basis. An example is the request for and granting of a festival permit. All such exemptions shall be made through proper application to the board of county commissioners and in conformance with existing provisions of the Kittitas County Code, as it now exists, or as amended in the future. All requests for exemptions to this chapter are subject to a nonrefundable \$25.00 fee, which must be paid at the time

the request is made. All recipients of a variance must provide proof of notification of said variance (including dates and times of the variance) to all residents within 1,000 feet of the noise source property boundary. (Ord. 2016-009, 2016; Ord. 2016-002, 2016)

Chapter 9.50

PARKS

Sections

- 9.50.010 Definitions.
- 9.50.020 Purpose.
- 9.50.030 Hours.
- 9.50.040 Park facilities - Liability.
- 9.50.050 Park facilities - Liability insurance.
- 9.50.060 Park facilities - Cleanup.
- 9.50.070 Concessions.
- 9.50.080 Park misuse.
- 9.50.090 Motor vehicles - Parking.
- 9.50.100 Camping - Authorization.
- 9.50.110 Camping - Occupancy policy.
- 9.50.115 Swimming in boat launch areas prohibited.
- 9.50.120 Game fish.
- 9.50.125 Food fish.
- 9.50.130 Damage to park property prohibited.
- 9.50.135 Removal of park property.
- 9.50.140 Outside household or commercial waste.
- 9.50.145 Rubbish.
- 9.50.150 Waste from vehicles.
- 9.50.155 Dumping in water prohibited.
- 9.50.160 Solicitation.
- 9.50.165 Alcoholic beverages - Minors.
- 9.50.170 Fires.
- 9.50.175 Area closures.
- 9.50.180 Violation - Penalty.
- 9.50.190 City of Ellensburg Park Impact Fees adopted within the City's Urban Growth Area.

9.50.010 Definitions.

Whenever used in this title, the following items shall be defined as indicated in this section:

Agreements

Any and all written agreements between a person or persons and the department for the purpose of specific use of certain department facilities.

Aircraft

Any machine or device designed to travel through the air, such as an airplane, helicopter, balloon, glider, ultralight, etc.

Alcoholic beverages (or "liquor")

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

Board

The current and duly elected Kittitas board of county commissioners.

Boat

Any floating device, powered by internal combustion engine or human power, capable of traveling on or under water.

Camper

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.

Camping

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.

Department

The Kittitas County ~~d~~Department of ~~public-works~~Public Services.

Director

The ~~d~~Director of the Kittitas County ~~d~~Department of ~~public-works~~Public Services.

Discrimination

Any action or practice which prohibits participants based on sex, age, race, color, national origin, marital status, or the presence of any sensory, mental or physical handicap.

Drugs

Any mind or mood altering substance which is illegal for consumption.

Facilities

Any building, structure, roadway, trail, path, equipment or area operated by the Kittitas County ~~d~~Department of ~~public-works~~Public Services.

Facility manager

The duly appointed Kittitas County ~~public-works~~Public Services employee serving as a manager of a county park.

Fee

The currently adopted fee schedule for use of Kittitas County park facilities.

Motor vehicle

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, four-wheel drive vehicles, two-wheel drive vehicles, three-wheelers, motorcycles, and snowmobiles, whether or not they can legally be operated upon the public highways, whether licensed or unlicensed.

Permit

Any and all permits, licenses, or approvals required by federal or state law, or required by county ordinance or the Kittitas County ~~public-works~~Public Services ~~d~~Department.

Person

All natural persons, firms, partnerships, corporations, clubs and all associations or combination of persons whenever acting for themselves or by an agent, servant, or employee.

Reservation

Any and all written reservations for a person or persons for the purpose of specific use of certain department facilities.

Trail

Any path or track designed for use of pedestrians, bicycles, motorcycles, jeeps or equestrians; and which is not of sufficient width, nor graded or paved with concrete, asphalt, gravel or similar substance, so as to permit its use by standard passenger automobiles, or other right-of-way specifically designated and posted for non-vehicular use.

Trailer

A towed vehicle which contains sleeping, housekeeping accommodations or material transporting capabilities.

Kittitas County park area

Any area under the ownership, management, or control of Kittitas County.

(Ord. 99-09, 1999; Ord. 95-4, 1995).

9.50.020 Purpose.

The park playgrounds, passive use areas, special use areas, roads, paths, trails, activity centers and other park facilities of the department are established by law for public recreation purposes. Public recreation consists of passive use, appropriate to the facility, initiated by individuals, families or small groups with or without reservations and permits; or, large group activities planned by groups and brought under the control of the department when authorized by and conducted under reservation, permit, agreement or contract with the department. (Ord. 99-09, 1999; Ord. 95-4, 1995).

9.50.030 Hours.

The ~~d~~Director of ~~public works~~ Public Services shall establish for each Kittitas County park area according to existing conditions, times and periods when the park area will be open or closed to the public. Such times and periods shall be posted at the entrance to the Kittitas County park area affected and at the park office. Park hours are subject to current conditions and may vary by season. Park front gates and offices may be open during normal business hours but the park area may be closed to public use when so posted. No person shall enter or be present at a Kittitas County park area after closing time, or when the park area is closed, except persons camping in a designated camping area who have paid the applicable use fee; or persons who have a reservation or are associated with the person or persons having a reservation at a department facility. (Ord. 99-09, 1999; Ord. 95-4, 1995).

9.50.040 Park facilities - Liability.

A person or persons using facilities by reservation or agreement may be required to protect and save Kittitas County, its elected and appointed officials and employees while acting within the scope of their duties as such, 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 the persons, employees or third parties on account of personal injuries, death or damage to property arising out of the premises, or in any way arising out of the acts or omissions of the person and/or his agents, employees or representatives. Users of any and all Kittitas County park facilities or areas do so at their own risk. Kittitas County assumes no liability or responsibility due to accidents or injury through authorized or unauthorized use of department facilities. (Ord. 99-09, 1999; Ord. 95-4, 1995).

9.50.050 Park facilities - Liability insurance.

A person or persons using facilities by reservation or agreement may be required to obtain and maintain during all periods of use public liability insurance acceptable to the county and/or other insurance necessary to protect the public and the county on premises reserved, with coverage of liability not less than combined single limit personal

injury and/or personal damage liability of \$300.00 per occurrence. The group shall provide a certificate of insurance or an insurance binder prior to the reservation and upon written request of the county, a duplicate of the policy, as evidence of the insurance protection provided. This insurance shall not be cancelled or reduced without prior written notice to the county, 30 days in advance of the cancellation or reduction. (Ord. 99-09, 1999; Ord. 95-4, 1995).

9.50.060 Park facilities - Cleanup.

All groups must leave the facility or area in a condition considered satisfactory to the manager in charge. No group shall conduct activities causing extra custodial work unless previous arrangements have been made to pay for such work and are so stated in the reservation agreement. Causing extra custodial work without previous arrangements may subject the group to mandatory cleanup fees as listed in the currently adopted fee schedule. (Ord. 99-09, 1999; Ord. 95-4, 1995).

9.50.070 Concessions.

Kittitas County reserves all concession rights in county-owned parks. Nonprofit groups and organizations may sell or arrange for a concessionaire to sell concessions to members of their group or organization using a park facility and to spectators at that facility; provided, that arrangements and fees to the department are agreed upon in writing prior to the event(s). (Ord. 99-09, 1999; Ord. 95-4, 1995).

9.50.080 Park misuse.

The misuse of a park facility or the failure to conform with these regulations will be sufficient reason for denying any future application for use of park facilities. (Ord. 99-09, 1999; Ord. 95-4, 1995).

9.50.090 Motor vehicles - Parking.

No operator of any automobile, trailer, camper, boat trailer, or other motor vehicle, shall park such vehicle in any Kittitas County park area other than designated motor vehicle parking area, except where the operator is using the area for a designated recreational purpose and the vehicle is parked either in a designated parking area for the event, or in another area with the permission of the facility manager. No person shall park, leave standing, or abandon a motor vehicle, camper or trailer, in any Kittitas County park area after closing time, except when camping in a designated area, or with permission of the manager. Any vehicle found parked in violation of this section may be towed away at the owner's or operator's expense. (Ord. 99-09, 1999; Ord. 95-4, 1995).

9.50.100 Camping - Authorization.

No person shall camp in any Kittitas County park area except when specifically authorized by the facility manager or the director. (Ord. 99-09, 1999; Ord. 95-4, 1995).

9.50.110 Camping - Occupancy policy.

Occupancy of camping facilities shall be limited to the conditions of the group reservation, agreement, or contract; or limited to occupancy related to an event and so posted at the park. (Ord. 99-09, 1999; Ord. 95-4, 1995).

9.50.115 Swimming in boat launch areas prohibited.

No person shall swim or sunbathe in any designated boat launching area, except by permit issued by the ~~Department of public works~~[Public Services](#). (Ord. 99-09, 1999; Ord. 95-4, 1995).

9.50.120 Game fish.

All laws, rules and regulations of the State Game Commission relating to season, limits, and methods of fishing are applicable to fishing for game fish in Kittitas County park areas. No person may fish for, or possess any fish taken from any dam, dike, bridge, dock, boat landing, or beach, which is posted with a sign prohibiting fishing. (Ord. 99-09, 1999; Ord. 95-4, 1995).

9.50.125 Food fish.

All laws, rules and regulations of the State Department of Fisheries relating to season, limits, and methods of taking are applicable to the taking of food fish in Kittitas County park areas except that in addition to such laws, the department, upon its finding and for good cause may close certain Kittitas County park areas for specific periods of time, to the taking of fish. Such closed areas shall be posted. (Ord. 99-09, 1999; Ord. 95-4, 1995).

9.50.130 Damage to park property prohibited.

No person shall cut down, destroy or in any way injure or damage any shrub, tree, vine, grain, grass or crop, standing or growing or which has been cut down, in any Kittitas County park area unless authorized to do so by the department. No person shall deface, damage or destroy any property, material, equipment or facility which is under the jurisdiction of the department. (Ord. 99-09, 1999; Ord. 954, 1995).

9.50.135 Removal of park property.

No person shall change the position of or remove any property, material, or equipment from its original position on or from any area under the jurisdiction of the Kittitas County parks department. (Ord. 99-09, 1999; Ord. 954, 1995).

9.50.140 Outside household or commercial waste.

No person shall deposit any household or commercial garbage, refuse, waste, or rubbish which is brought as such from any private property, in any Kittitas County park area garbage can or other receptacle designated for rubbish collection. (See Chapter 8.20 KCC, Depositing Garbage in Designated Places, for penalties.) (Ord. 99-09, 1999; Ord. 95-4, 1995).

9.50.145 Rubbish.

No person shall leave, deposit, drop or scatter bottles, broken glass, ashes, waste paper, cans or other rubbish, in a Kittitas County park area, except in a garbage can or other receptacle designated for such purposes. (See Chapter 8.20 KCC, Depositing Garbage in Designated Places, for penalties.) (Ord. 99-09, 1999; Ord. 95-4, 1995).

9.50.150 Waste from vehicles.

No person shall in any Kittitas County park area, drain or dump refuse, oil, gas or waste from any trailer, camper, automobile, or other vehicle, except in designated disposal areas or receptacles. (See Chapter 8.20 KCC, Depositing Garbage in Designated Places, for penalties.) (Ord. 99-09, 1999; Ord. 95-4, 1995).

9.50.155 Dumping in water prohibited.

No person shall pollute, or in any way contaminate by dumping or otherwise depositing therein any waste or refuse of any nature, kind or description, including human or bodily waste, in any stream, river, lake or other body of water running in, through or adjacent to any Kittitas County park area. (See Chapter 8.20 KCC, Depositing Garbage in Designated Places, for penalties.) (Ord. 99-09, 1999; Ord. 95-4, 1995).

9.50.160 Solicitation.

No person shall solicit, sell, or peddle any goods, wares, merchandise, liquids, or edibles for human consumption or distribute or post any handbills, circulars, or signs, or use any loudspeakers or other amplifying device in any Kittitas County park area, except by concession contract or by permission by the department. (Ord. 99-09, 1999; Ord. 95-4, 1995).

9.50.165 Alcoholic beverages - Minors.

No person who has not reached his or her twenty-first birthday shall be in possession of or consume of any alcoholic beverage in a Kittitas County park facility or area. (Ord. 99-09, 1999; Ord. 95-4, 1995).

9.50.170 Fires.

Open fires and portable units using flammable material are restricted to designated park areas, fireplaces, fire rings or grills. (Ord. 9909, 1999; Ord. 95-4, 1995).

9.50.175 Area closures.

Areas designated by signs or barricades are closed to public access or use. (Ord. 99-09, 1999; Ord. 95-4, 1995).

9.50.180 Violation - Penalty.

Every person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not more than \$1,000 and/or by imprisonment in a county jail for not more than 90 days. In addition, every person failing to comply with any provision of this chapter shall be subject to immediate ejection from the Kittitas County park area. The Kittitas County ~~public-works-Public Services d~~Director, ~~public-works-Public Services~~ employees, and

other law enforcement officers are authorized and directed to enforce the provisions of this chapter. (Ord. 99-09, 1999; Ord. 95-4, 1995).

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9.50.190 City of Ellensburg Park Impact Fees adopted within the City’s Urban Growth Area.

Pursuant to Kittitas County Resolution 2022-013 and consistent with Ellensburg City Code (ECC) Chapter 14.02 Park Impact Fees, Kittitas County agrees to collect park impact fees as described at ECC 14.02.150. Collection of the park impact fee shall occur when application is made for a building permit; provided, however, fees applicable to a single-family subdivision may be subject to an in-lieu-of fee arrangement at the preliminary plat stage. (Ord. 2023-006, 2023)

**Chapter 9.55
REGULATING PUBLIC CAMPING**

Sections

- 9.55.010 Purpose.
- 9.55.020 Definitions.
- 9.55.030 Unlawful camping.
- 9.55.040 Unlawful storage of personal property in public places.
- 9.55.050 Removal of unauthorized encampments and individual camps.
- 9.55.060 Penalty for violations.
- 9.55.070 Enforcement suspended.
- 9.55.080 No public duty created.
- 9.55.090 Severability.

9.55.010 Purpose.

It is the purpose of this chapter to prevent harm and to promote the public health, safety and general welfare and environment by keeping public streets, sidewalks, parks, and other county-owned and/or county-maintained public property and public rights-of-way within the county readily accessible to the public, and to prevent use of county-owned and/or county-maintained public property for camping purposes or storage of personal property which interferes with the rights of others to use the areas for the purposes for which they were intended. It is also the purpose of this chapter to establish a uniform policy for county departments to address the removal of unauthorized encampments from county property and, where applicable, temporarily store personal property in a manner consistent with local, state, and federal laws. (Ord. 2022-015, 2022)

9.55.020 Definitions.

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

Abandoned

That which appears, based on the totality of the circumstances, the owner intentionally relinquished the right to possess by action, verbal and/or written disclaimer, lapse of time, or non-use of the same.

Camp or Camping

To pitch, erect, or occupy camp facilities, or to use camp paraphernalia or both, for the purpose of, or in such a way as will facilitate, taking up temporary residence overnight; or parking a camper, recreational vehicle, trailer, or other vehicle for the purpose of taking up temporary residence overnight.

Camp Facilities

Include, but are not limited to, tents, huts, temporary shelters made of any material, campers, recreational vehicles, or trailers.

Camp Paraphernalia

Includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks and/or cooking facilities and similar equipment.

County

Kittitas County, Washington.

Contraband

Any item, material, or substance that is unlawful to produce or possess.

Hazardous Item

An item, including personal property, which appears to be dangerous or involves risk of harm to the health or safety of humans, animals, or the environment, either in its present form or as stored.

Litter

Shall have the same meaning as used in RCW 70A.200.030(6) and (11) as adopted or may be amended.

Park or Park Facility

Any building, structure, equipment, sign, shelter, swimming pool, vegetation, playground, real property, or other physical property owned or controlled by the county for park purposes. Park or park facility includes all associated areas, including but not limited to parking lots for parks.

Personal Property

In addition to its common meaning, means an item that is:

1. Reasonably recognizable as belonging to a person; and
2. In its present condition has apparent utility and/or value; and
3. Is not abandoned, solid waste, or a hazardous item.

Right-of-Way

Shall have the same meaning as is stated in KCC 12.02.020.

Solid Waste

Shall have the same meaning as used in RCW 70A.205.015(22) as currently enacted or subsequently amended, and includes, but is not limited to, garbage, household liquid or hazardous waste, decaying furniture, tires, mattresses, and wood.

Store

To put aside or accumulate for use when needed, to put for safekeeping, or to place or leave in a location.

Trail

A public path owned, operated, or maintained by the county for the primary purpose of walking, biking or other non-vehicular travel.

Unauthorized Encampment

Two or more camp facilities in an identifiable area which appear to be used for unlawful camping. For purposes of this chapter an identifiable area includes areas where the camp facilities are in sight of each other and/or areas where each camp facility is located within 300 feet of another camp facility.

Vehicle

The same as defined in RCW 46.04.670, as currently enacted or hereafter amended.

(Ord. 2022-015, 2022)

9.55.030 Unlawful camping.

A. It is unlawful for any person to camp, occupy camp facilities for purposes of habitation, or use camp paraphernalia in the following areas, except as otherwise provided by the Kittitas County Code or where specifically designated:

1. Any street, alley, sidewalk, county road, or county right-of-way;
2. Any trail, park, or park facility, except as authorized by Ch.9.50 KCC;
3. Any county-owned parking lot or county-owned area, whether improved or unimproved; or
4. Any other county-owned or county-maintained property.

B. It is unlawful for any person to occupy a vehicle for the purpose of camping while that vehicle is parked in the following areas, except as otherwise provided by ordinance or as permitted pursuant to Ch.9.50 KCC or Ch. 10.06 KCC:

1. Any park;
2. Any street, alley, county road, or county right-of-way; or
3. Any county-owned or maintained parking lot or other county-owned or maintained area, whether improved or unimproved.

(Ord. 2022-015, 2022)

9.55.040 Unlawful storage of personal property in public places.

A. It is unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in the following county-owned and/or county-maintained areas, except as otherwise provided by the Kittitas County Code:

1. Any county road or right-of-way;
2. Any trail, park, or park facility;
3. Any county-owned parking lot or county-owned area, whether improved or unimproved; or
4. Any other county-owned or county-maintained property.

B. This section shall not apply to vehicles, including trailers, recreational vehicles, and campers, which are legally parked in rights-of-way, unless otherwise prohibited by law.

(Ord. 2022-015, 2022)

9.55.050 Removal of unauthorized encampments and individual camps.

- A. Whether or not something is or is not a "camp," "unauthorized encampment," "abandoned," or anything else defined herein, is the determination of law enforcement or the county designated personnel who merely needs to determine that the thing is readily identifiable as such without said inquiry or determination creating a danger or threat of safety to law enforcement or the designated county personnel.
- B. The personal property, camping paraphernalia, camp facilities, and all other property, contraband, litter, and/or solid waste located at an unauthorized encampment may be removed subject to the following provisions:
1. Upon a determination by law enforcement or designated county personnel that an area constitutes an unauthorized encampment or that an individual is engaged in unlawful camping or storage of personal property in public places.
 2. Property which presents an immediate and substantial risk of harm. If the unauthorized encampment, unlawful camping, or unlawful storage of personal property results in an immediate and significant risk of harm to any person or impedes pedestrian or vehicular traffic, then police, city staff and/or its contracted agent may immediately remove any personal property, camping paraphernalia, camp facilities, and all other property, contraband, litter, and solid waste, which shall be stored or disposed in the manner as set forth below in subsection (3)(b) below.
 3. Except as stated in subsection (B)(2) above, prior to removing property from an unauthorized encampment or unlawful camp, or removing personal property unlawfully stored on county-owned or county-maintained public property, the following shall occur:
 - a. The county shall post at least a 72-hour advanced notice, which shall include the following:
 - i. The address or location of the unauthorized encampment, unlawful camping, or unlawful storage of personal property;
 - ii. A statement that camping or storage activity is prohibited by KCC 9.55.030 and/or 9.55.040;
 - iii. A statement that any individual continuing to use the area for unlawful camping or storage of personal property may be subject to criminal penalties pursuant to KCC 9.55.060;
 - iv. A statement that any personal property, camping paraphernalia, camp facilities, and all other property, contraband, litter, and solid waste remaining after the notice period is subject to removal and, as may be applicable, temporary storage by the county.
 - b. At the end of the 72-hour notice period, any personal property, camping paraphernalia, camp facilities, and all other property, contraband, litter, and solid waste may be removed by county personnel or agents thereof. Furthermore:
 - i. Any personal property that is removed shall be stored by the county for at least sixty (30) days prior to being disposed of;
 - ii. Notice of where personal property removed from the encampment may be claimed shall be posted at the location;
 - iii. If the name and contact information for the owner of a particular item of personal property can reasonably be identified, the county shall attempt to contact the identified owner and provide notice that the item has been removed and how to claim the item;
 - iv. Any contraband located at the area shall be seized and properly disposed or retained as evidence of criminal activity; and
 - v. Any litter, hazardous item, or solid waste found at the area shall be properly disposed of.

(Ord. 2022-015, 2022)

9.55.060 Penalty for violations.

Violation of any of the provisions of this chapter is a misdemeanor and shall be punished upon conviction of such violation by a fine of not more than \$ 1,000 or by confinement not to exceed 90 days, or by both such fine and confinement. Each and every day, or portion thereof, that the violation continues shall constitute a separate violation. (Ord. 2022-015, 2022)

9.55.070 Enforcement suspended.

- A. There shall be no enforcement of criminal provisions of this chapter when there is no available overnight shelter space or beds available in homeless shelters located in the county. The space is considered available if the individual could not use the space due to voluntary actions such as intoxication, drug use, or unruly behavior. Abatement portions of this chapter can be enforced regardless of the availability of shelter space.
- B. Nothing in this chapter shall preclude enforcement of any other federal, state, or local laws.

(Ord. 2022-015, 2022)

9.55.080 No public duty created.

- A. 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.
- B. 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 county or its officers, employees, or agents for any injury or damage resulting from any action or inaction on the part of the county related in any manner to the enforcement of this chapter by its officers, employees, or agents.


(Ord. 2022-015, 2022)

9.55.090 Severability.

If any portion of this chapter, or its application to any person or circumstances, is held invalid, the validity of the chapter as a whole, or any other portion thereof, or the application of the provision to other persons or circumstances is not affected. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance. (Ord. 2022-015, 2022)

Chapter 9.60

WEAPONS FREE AREAS IN COUNTY BUILDINGS

(Repealed by Ord. 2009-02. Weapon restricted areas of the Courthouse are designated by  judicial order.)

Chapter 9.70

ALARM SYSTEMS

Sections

- 9.70.010 Legislative declaration.
- 9.70.020 Definitions.
- 9.70.030 Prohibited equipment—Automatic dialing device.
- 9.70.040 Required equipment—Standby power backup source.
- 9.70.050 Audible alarms—Time limit.
- 9.70.060 Emergency response information.
- 9.70.070 False alarms prohibited—Penalties.
- 9.70.080 Enforcement—Policies.
- 9.70.090 Penalties.
- 9.70.100 Grace period.
- 9.70.110 Distribution of funds.
- 9.70.120 Severability.
- 9.70.130 Effective date.

9.70.010 Legislative declaration.

The Board of County Commissioners declares that response to false alarms to be an unnecessary, wasteful use of the limited personnel and other resources of the Sheriff's Office. Such unnecessary responses divert those resources from being devoted to those actually in need of law enforcement services. Therefore, the purpose of this chapter is to promote more effective and efficient law enforcement services to the public through prevention of false alarms and reduction of responses to false alarms. (Ord. 2016-021, 2016).

9.70.020 Definitions.

In construing the provisions of this chapter, except where otherwise plainly declared or clearly apparent from the context, words used in this chapter shall be given their common and ordinary meaning and in addition, the following definitions shall apply:

1. "Alarm system" means any assembly of equipment, mechanical or electrical, designed to alert law enforcement agencies, the public, or any person or group of persons including a business or other commercial entity of the commission or attempted commission of a crime.
2. "Alarm user" means any person, business or other entity, which owns or has control over any building, structure or facility where an alarm system is maintained.
3. "Authorized service personnel" means those persons who, by reason of their experience, training or occupation, can demonstrate to the Sheriff that they are qualified to inspect and repair alarm systems. The Sheriff may in his discretion presume that the employment of a person for such purposes by the provider of any given alarm system is sufficient evidence that the person is so qualified.
4. "False alarm" means the intentional or unintentional activation of any alarm system that elicits a response from the Sheriff's Office when no criminal act has been committed or attempted. The causes of false alarm include, but are not limited to, the following: equipment malfunction, improper installation or maintenance of equipment, human error or negligence, or any cause other than the actual commission or attempted commission of a criminal act. The determination as to whether an event is a "false alarm" as defined in this section shall be made by the Sheriff or his or her designee.
5. "Intentional" means an act done by intention. A person acts with intent or intentionally when he or she acts with the objective or purpose to accomplish a particular result. (Ord. 2016-021, 2016).

9.70.030 Prohibited equipment—Automatic dialing device.

Any alarm system designed to alert any law enforcement agency of an emergency by providing unattended automatic dialing to 911 or any public telephone number of a law enforcement agency for the purpose of transmitting a preprogrammed signal, message or code is prohibited. (Ord. 2016-021, 2016).

9.70.040 Required equipment—Standby power backup source.

All alarm systems shall have a standby backup power supply which will automatically continue the operation of the alarm system should any interruption occur in power to the system. The transfer of power from the primary source to the backup source must occur in a manner that does not activate the alarm. (Ord. 2016-021, 2016).

9.70.050 Audible alarms—Time limit.

It shall be unlawful to operate an audible alarm system which does not shut off within a maximum of thirty minutes from the time of activation. Shutoff may be accomplished either with an automatic cutoff or by manual operation. If the alarm system has an automatic cutoff with a rearming phase, the rearming phase must be able to distinguish between an open and closed circuit and if the circuit is broken, the system will not rearm. (Ord. 2016-021, 2016).

9.70.060 Emergency response information.

1. This section shall not apply to any alarm system until there has been at least one verified false alarm as defined in the definition section of this Chapter.
2. After there has been at least one verified false alarm as defined in this Chapter, no person or business shall install, operate, or make use of in any manner such alarm system unless:
 - a. The name, business address and business telephone number of the alarm user has been provided to the Sheriff in a manner acceptable to the Sheriff, for use as needed to implement the provisions of this Chapter and any rules and regulations promulgated under the authority of this chapter;
 - b. There is a list filed with the Sheriff, of the names and telephone numbers for the person or persons authorized to enter the premises where the alarm is located and take necessary action, including but not limited to turning off the alarm or opening the alarmed premises for search can be reached at all times; or
 - c. Such a list is filed with a monitoring service and a twenty-four hour telephone number for that service is provided to the Sheriff.
3. The failure to provide the information required by the provisions of subsection (2) of this section prior to installing, operating, or making use of in any manner an alarm system after such a false alarm is unlawful. Alarm users of any existing alarm systems in use on the effective date of this Chapter shall have a period of not more than twenty business days after that date to ensure that this information is provided as required. The Sheriff may order that an alarm system installed, operated, or made use in violation of this provision be disconnected; provided, that no alarm system required by law shall be ordered disconnected. Notice shall be given to the alarm user by any method reasonably likely to provide actual notice, including certified mail or personal service, at least forty-eight hours prior to the required disconnection, if the name(s) and contact information of the alarm user(s) have been provided to the Sheriff. Failure to furnish the name(s) and contact information of the alarm user(s) as required in this subsection, in addition to being prohibited shall constitute a waiver of this notice requirement.
4. Upon notification by the Sheriff's Office, or any other law enforcement agency acting in concert with or on behalf of the Sheriff's Office as authorized by RCW 10.93.070(1), (2) or (3), or RCW 10.93.130, that his presence is required, the alarm user or representative listed as required by 9.70.060(1)(a), shall promptly proceed to the scene of the alarm, or a nearby location if so directed, within a reasonable period of time and render necessary assistance. Such assistance shall include turning off the alarm and/or opening the alarmed premises so a search can be made as directed by law enforcement personnel on scene.

5. Circumstances that may require the alarm user's presence include, but are not limited to: continual malfunction of an alarm system which causes repeated false alarms over a short period of time; evidence at the alarmed premises indicating a crime was committed or attempted and further investigation is necessary; or the premises is not or cannot be, properly secured. (Ord. 2016-021, 2016).

9.70.070 False alarms prohibited—Penalties.

1. No alarm user shall cause or allow a false alarm.
2. The intentional activation of a burglary or robbery alarm system for the purpose of summoning the Sheriff's Office, or any other law enforcement agency acting in concert with or on behalf of the Sheriff's Office as authorized by RCW 10.93.070(1), (2) or (3), or RCW 10.93.130, for other than an actual burglary or robbery or other life-threatening emergency situation, shall be punishable as an infraction with a fine of not less than five hundred dollars plus statutory costs and assessments upon a first offense, and as a misdemeanor for any subsequent offense within a five year period.
3. The third false alarm and each subsequent false alarm, from the same location within any six-month period, shall constitute a civil infraction subject to monetary penalty as set forth below:
 - a. For the third false alarm, a penalty of fifty dollars plus statutory costs and assessments shall be assessed;
 - b. For the fourth false alarm, a penalty of one hundred dollars plus statutory costs and assessments shall be assessed;
 - c. For the fifth false alarm and each succeeding false alarm, a penalty of two hundred and fifty dollars plus statutory costs and assessments shall be assessed.
4. A location which has had three or more false alarms in any six month period must complete a probationary period of not less than six months without a false alarm to restart the six month period for calculation of the penalties set in 9.70.070(3).
5. Hearing on notices of infraction issued pursuant to Section 9.70.070(3) shall be held in the appropriate district court. The procedures for issuance of a notice of infraction, hearings, assessment and payment of monetary penalties, statutory costs and assessments, shall be in accordance with the provisions of RCW Chapter 7.80. (Ord. 2016-021, 2016).

9.70.080 Enforcement—Policies.

1. The provisions of this chapter shall be administered and enforced by the county Sheriff. The Sheriff is authorized to make and enforce such rules and regulations as are necessary to implement the provisions of this chapter, and further to delegate his authority under this Chapter to any subordinate as necessary to effectuate this Chapter.
2. Copies of these rules and regulations promulgated by the Sheriff shall be available to the public at the county Sheriff's Office and/ or at the Office of the County Commissioners. A copy of this Chapter and the rules and regulations shall be provided to each person or entity known to have an alarm system at the time of enactment of this Chapter, and to any person or entity known to subsequently obtain, install or make use of such an alarm.
3. Enforcement of the provisions of this Chapter and the rules and regulations promulgated by the Sheriff as authorized in this Chapter may be by appropriate judicial proceeding(s) as necessary as determined by the Sheriff and Prosecuting Attorney.
4. The Sheriff may utilize the following procedures and practices to reduce false alarms:
 - a. On the first false alarm within a six-month period, the alarm user may in the discretion of the Sheriff be required to provide certain information when an alarm is received from an alarm system under his or her control. This information may include but is not limited to:
 - i. The cause of the alarm;

- ii. Any corrective action taken;
 - iii. Whether or not the alarm system had been inspected and/or repaired and the name and address of the person performing the repairs.
- b. On the second false alarm within a six-month period, the alarm user shall submit a written report as provided in the previous subsection. In addition, the Sheriff may require inspections of the alarm system by authorized service personnel at the alarm user's expense; and the Sheriff may prescribe corrective action to be taken as the result of the inspection.
- c. On the third or subsequent false alarm within a six-month period, the alarm user shall submit a written report as provided in the previous subsections. The Sheriff may require inspections of the alarm system by authorized service personnel at the alarm user's expense; and the Sheriff may prescribe corrective action to be taken as the result of the inspection. In addition:
 - i. The Sheriff may assign a lower response priority or not respond at all, to alarms received from the alarm system; and
 - ii. The Sheriff may order that an alarm system be disconnected; provided, that no alarm system required by law shall be ordered disconnected. Notice shall be given to the alarm user by any method reasonably likely to provide actual notice, including certified mail or personal service, at least forty-eight hours prior to the required disconnection, if the name(s) and contact information of the alarm user(s) have been provided to the Sheriff. Failure to furnish the name(s) and contact information of the alarm user(s) as required by 9.70.060(1)(a), in addition to being prohibited shall constitute a waiver of this notice requirement.
- d. If the policies of ordering alarm systems disconnected and/or no response by the Sheriff are implemented, provisions shall be made for allowing the alarm system to be reconnected and response reinstated if the alarm user satisfactorily shows that the cause(s) of the previous false alarms has (have) been identified and corrected.
 - i. Once reconnected, the alarm system shall be on probationary status for six months.
 - ii. If the instances of false alarms continue during the probationary period, the alarm system may again be ordered disconnected and the policy of no response may be invoked. (Ord. 2016-021, 2016).

9.70.090 Penalties.

The violation of any of the provisions of this chapter, except subsections 9.70.070(2) and (3), shall constitute a misdemeanor as defined in RCW 9A.20.010. (Ord. 2016-021, 2016).

9.70.100 Grace period.

There shall be a three month grace period beginning at the effective date of the ordinance codified in this chapter, during which time no punitive action will be taken against alarm users violating section 9.70.070(3) of this Chapter; provided, the Sheriff may require alarm users to provide information as required by Section 9.70.080(3) (a), and further provided that the grace period for the provisions of 9.70.060(1) shall be as specified in .060(2). There shall be no grace period for enforcement of 9.70.070(2). (Ord. 2016-021, 2016).

9.70.110 Distribution of funds.

All funds collected from fines imposed by the district courts for violation of this chapter shall be distributed as provided in RCW 3.62.020. (Ord. 2016-021, 2016).

9.70.120 Severability.

If any provision of this chapter is held invalid, the remainder of the chapter is not affected. (Ord. 2016-021, 2016).

9.70.130 Effective date.

This chapter shall take effect at 12:01 a.m. on December 1, 2016. (Ord. 2016-021, 2016).

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