

Short-Term Rental Regulations

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Zoning Amendments

Add section 17.77 Short-term Rentals

17.77 Short-term rentals

17.77.010 Basic Provisions. All short-term rentals are subject to licensing requirements, health and safety standards, and fees set forth in Chelan Municipal Code 5.15.

17.77.020 Land Use Districts. Short term rental licensees may be issued in the land use districts listed herein or otherwise governed by applicable development agreements on file with the City of Chelan Community Development Office. Local Homeowner Associations bylaws and/or tenant/landlord lease agreements may further redistrict short term rentals beyond the city’s license and zoning requirements.

- *Downtown Mixed Use (DMU) (CMC 17.14)*
- *Tourist Mixed Use (TMU) (CMC 17.14)*
- *Highway Service Commercial (C-HS) (CMC 17.36)*
- *Waterfront Commercial (C-W) (CMC 17.40)*
- *Tourist Accommodation (T-A) (CMC 17.48)*

17.77.030 *Violations of Land Use. Operators of short-term rental units in land use districts that do not permit them shall be subject to enforcement procedures in Title 2.80 and required to terminate all rentals agreements immediately upon notice. Failure on behalf of the owner to cancel rentals agreements shall constitute a criminal misdemeanor charge and subject to fines established by the City Council.*

Assume that the PUD approval and development agreement address the use in The Lookout.

17.14.020 Regulating plan – Land use districts and site orientation standards.

C. Overlay District Uses and Dimensional Standards.

2. Permitted Uses.

b. Permitted Use Table.

Table 1. Permitted use table.

	Downtown Land Use Districts				
	DMU	TMU	DMR	DSF	Public
RESIDENTIAL USES					
Dwelling, single-family	P ₁₆	P	P	P	
Dwelling, two-family (Duplex)		P	P	P ₅	
Dwelling, three-family (Triplex)		P	P		
Cottage housing			P		
Townhouse	P ₇	P	P		
Dwelling, multi-family	P ₇	P	P		
Fractional ownership condominiums and seasonal rentals	P ₇	P			
Accessory dwelling unit (ADU)	P ₇	P	P	P	
Senior assisted living facility or nursing home	P ₇	P	P		
Family day care homes ₁	P ₇	P	P	P	
Mini day care centers ₃	P ₇	P	P	P	
Day care centers	P ₇	P	P ₃	P ₃	
Home occupation	P	P	P _{2,3}	P _{2,3}	
Bed and breakfast	P ₇	P	C ₃	C ₃	
Hotel/motel, condotel, and other transient accommodations	P	P			
Short-term rental	P	P			
COMMERCIAL USES					
Retail, small scale (< 2,000 sf building footprint)	P ₁₀	P ₁₀			P ₆
Retail, medium scale (2,000 – 20,000 sf building footprint)	P _{10,13}				
Retail, large scale (20,001 – 50,000 sf building footprint)	C				
Retail, regional (> 50,000 sf floor area)					
Restaurants, bars, tasting rooms, and brewpubs ₃	P ₁₀	P ₁₀			P ₆
Professional office	P ₈	P			
Real estate office	P ₁₄	P			
Banks	P				
Personal service establishments	P	P ₁₁			P ₆
General services establishments	P				
Gasoline station and auto service ₃	P ₇				
Mini-storage and warehouse facility					

	Downtown Land Use Districts				
	DMU	TMU	DMR	DSF	Public
Commercial use providing drive-through service	P ₁₅	P			
General industrial ₄	P _{7, 12}				
Heavy industrial					
Marijuana retail outlet	C	C			
SPECIAL USES					
Parks and playgrounds including park buildings	C	C	C	C	P
Community recreational facility	C	C	C	C	P
Conference center	P ₈				
Private sports club	P ₈	P			
Government office/structure ₃	P	C	C	C	P
Medical clinic/office, medical facilities	P ₇		C		
Hospital ₃	C		C		C
Mortuary	P ₇		C		
Veterinary clinic or hospital ₃	P ₇				
Church ₃	P	C	C	C	P
Places of public or private assembly (including theaters)	P				P
School	C ₇	C	C	C	P
Museum	P	P			P
Boat launching facilities, marinas and similar facilities	P	P			P
Parking lot or structure	P ₇	P	P ₃		P
Public utility facility ₉	C	C	C	C	C

17.36.010 Permitted uses.

Permitted uses are as follows:

- A. Any use permitted in the R-L Residential District, R-M Residential District, or T-A Tourist Accommodation District. Single- and multi-family dwellings, including townhouses, shall be subject to the relevant provisions of Chapter [17.24](#);
- B. Public and commercial automobile parking lots and garages and appertaining uses;
- C. Mortuaries;
- D. Advertising signs; provided, that they meet the setback requirements of this district;
- E. Veterinary hospitals;
- F. Automobile sales lots, repairs, bus and truck terminals;
- G. Machinery and farm equipment sales and services, tire recapping and similar businesses;

- H. Lumberyards, basic construction materials, fuel, livestock feeds and similar uses;
- I. Boat building and sales;
- J. Plumbing, heating or electrical shops;
- K. Manufactured home parks subject to Chapter [17.54](#);
- L. Restaurants, and drive-in restaurants;
- M. Liquor stores, taverns, cocktail lounges, and nightclubs;
- N. Radio and TV studios;
- O. Transient businesses;
- P. Grocery stores;
- Q. Clinic;
- R. Barber or beauty shops;
- S. Office, business or professional;
- T. Bakery, candy store, or confectionery store, provided all products which are produced are sold only at retail on the premises;
- U. Shoe sales or repair;
- V. Radio, television and small appliance sales and service, provided all storage is contained within the structure;
- W. Photographic and musical studio, sales and service;
- X. Tailor and upholstery shop;
- Y. Bank or other financial institution;
- Z. Apparel;
- AA. Parking lot;
- AB. Locksmith;
- AC. Newspaper, printing or lithography establishment;
- AD. Florist;
- AE. Self-service laundry;
- AF. Arts and crafts;
- AG. Family day care homes, subject to licensing requirements of the Washington State Department of Social and Health Services and fire code requirements as set forth in Chapter [212-54](#) WAC;
- AH. Radio and TV studios;
- AI. Private educational institutions;
- AJ. Special event as defined in and pursuant to the provisions of Chapter [5.50](#), as the same exists now or may hereafter be amended.
- U. Short-term rentals.

17.40.010 Permitted uses.

Permitted uses are as follows:

A. Residential Uses.

1. Mixed-use developments that include water-dependent and water-oriented commercial uses together with single-family or multi-family uses while promoting public access for significant numbers of the public and/or providing an ecological restoration resulting in a public benefit;
2. Existing legal residential developments as of the date of this subsection are permitted;

B. Boat building;

C. Service stations with appertaining uses; provided, that no vehicle shall be repaired, painted, rented, built or sold upon or from the premises;

D. Commercial or public water transportation facilities, which may include a protected aboveground tank as an accessory use, subject to the conditions set forth in Section [17.40.020\(D\)](#);

E. Industrial docks with appertaining machinery, which may include a protected aboveground tank as an accessory use, subject to the conditions set forth in Section [17.40.020\(D\)](#); provided, that no product is manufactured on the premises;

F. Boat servicing and fueling facilities which may include a protected aboveground tank as an accessory use, subject to the conditions set forth in Section [17.40.020\(D\)](#);

G. Radio and TV studios;

H. Transient businesses;

I. Marina facilities, which may include a protected aboveground tank as an accessory use, subject to the conditions set forth in Section [17.40.020\(D\)](#);

J. Adult entertainment facilities subject to the provisions of Section [17.04.125](#);

K. Boat sales, including the display and sale of not more than three motor vehicles at any time as an accessory use to the principal permitted use of boat sales under the following minimum conditions:

1. The display and sale of motor vehicles is permitted only when operated as an accessory use to the principal permitted use of the premises when that principal use is boat sales;
2. No more than three motor vehicles shall be displayed for sale on the subject premises at any time;
3. All motor vehicles for sale shall be maintained in an operable condition at all times that such motor vehicles are located on the subject premises;
4. Motor vehicles for sale shall be licensed and registered with the state at all times that such motor vehicles are located on the subject premises;
5. Motor vehicles and motor vehicle parts shall not be stored, painted, repaired, dismantled, built, restored, or modified in any way on the subject premises;
6. The renting and leasing of motor vehicles is not permitted;
7. The motor vehicle sales activities shall be owned and operated by the owner of the boat sales business located on the subject premises and shall not be delegated or otherwise conveyed to other individuals or entities; and

- 8. Termination of the boat sales activities located on the subject premises shall terminate any motor vehicle sales business operated on the premises;
- L. Parks and playgrounds, including park buildings;
- M. Temporary construction offices within the tract or subdivision on which buildings are being erected and only for the duration of active construction;
- N. Family day care homes, subject to licensing requirements of the Washington State Department of Social and Health Services and fire code requirements as set forth in Chapter [212-54](#) WAC;
- O. Home occupations that involve no customers or other business-related visitors to the home business, no signs or other outward appearance that a business exists in the home, no delivery trucks, and no more than one individual residing within the home who is active in the home occupation business; provided, that if the planning director is given satisfactory proof of a physical disability of the individual wishing to engage in a home business or occupation, a volunteer or employee may assist in the home occupation. In addition, the home occupation must comply with the conditions for home occupation set forth in Section [17.56.060](#) and the fees for a home occupation permit as established by resolution of the city council must be paid;
- P. Restaurants, exclusive of drive-ins;
- Q. Office, business or professional;
- R. Bakery, candy store, or confectionery store, provided all products which are produced are sold only at retail on the premises;
- S. Special event as defined in and pursuant to the provisions of Chapter [5.50](#), as the same exists now or may hereafter be amended;
- T. When located outside of shoreline jurisdiction, or if considered part of a water-oriented development: ***
- U. Short-term rentals.

17.48.010 Permitted uses.

Permitted uses are as follows:

- A. Single-family, two-family, three-family and multi-family dwellings, including townhouses;
- B. Motels, hotels, lodges and similar resort accommodation operations;
- C. Restaurants, exclusive of drive-ins;
- D. Barber or beauty shops;
- E. Travel agencies and tourist bureaus;
- F. Souvenir and gift shops;
- G. Bookstores and newsstands;
- H. Boat launching facilities, marinas and similar facilities;
- I. Professional offices;
- J. Special event as defined in and pursuant to the provisions of Chapter [5.50](#), as the same exists now or may hereafter be amended;

K. Per Chapter [17.47](#), low intensity, moderate intensity, and high intensity agri-tourism uses are allowed in the T-A Overlay.

L. Short-term rentals.

Short-Term License Code

Note: Create a new chapter in Title 5 to provide for a short-term rental specialty license to address license criteria, inspection, and enforcement.

CHAPTER 5.15 SHORT TERM RENTAL OPERATING LICENSE

5.15. 010 Purpose

A. The purpose of this chapter is to establish regulations for the operation of short-term rentals within the city of Chelan. This chapter also establishes a short-term rental permit and license.

B. The provisions of this chapter are necessary to promote the public health and safety by:

1. Protecting year-round residents' enjoyment of their homes and neighborhoods by minimizing the impact of short-term rentals on adjacent residences and minimizing the impact of the commercial character of short-term rentals.
2. Benefiting residents and the community by supporting homeownership costs and the city's tax base.
3. Fully recovering the cost of code implementation and enforcement.
4. Ensuring fairness in the regulation of short-term similar to other forms of allowed transient accommodations.
5. Providing for short-term rental guest well-being by enforcing fire, building, parking, and sanitation standards.
6. .

5.15. 020 Definitions

A. "Short term rentals" means residential units, or portions of residential dwelling units, that are rented out on a nightly basis for not more than 30 days to individual guests. They are commonly referred to as vacation rentals. They are a form of tourist or transient accommodations. Short-term rental units may be whole house rentals, apartments, condominiums, or individual rooms in homes. For the purpose administration and enforcement of this ordinance, the terms "overnight rental", "nightly rental", and "vacation rental" are interchangeable with short-term rentals. Subleasing or subletting of units for short term rental is prohibited if the underlying zone prohibits such use.

B. "Authorized agent" means a property management company or other entity or person who has been designated by the owner, in writing, to act on their behalf. The authorized agent may or may not be the designated representative for purposes of contact for complaints.

C. "Family" means one or more persons (but not more than five unrelated persons) living together as a single housekeeping unit. For purposes of this definition and notwithstanding any other provision of this code, persons with familial status within the meaning of Title 42 United States Code, Section 3602(k) and

persons with handicaps within the meaning of Title 42 United States Code, Section 3602(h) and RCW [35A.63.240](#) will not be counted as unrelated persons. **[Per Chapter 19.10, but abbreviated.]**

D. "Owner" means the natural person or legal entity that owns and holds legal and/or equitable title to the property. If the owner is a business entity such as a partnership, corporation, limited liability company, limited partnership, limited liability partnership or similar entity, any person who owns an interest in that business entity shall be considered an owner.

E. "Advertise" or "offer" includes through any media, whether written, electronic, web-based, digital, mobile or otherwise.

F. "Qualified person" means the owner, authorized agent, or a designated property representative contact person who is at least 21 years of age and who resides within 30 minutes of the property and is available to respond to short-term rental tenants, neighbors, and the City regarding complaints or other operational conditions of the short-term rental unit.

G. "Administrator" means the planning and community development director or his/her designated representative.

5.15. 030 Applicability

A. Short-term rentals are allowed when specifically authorized by Title 17 Zoning.

B. All allowed short-term rentals defined in CMC 15.15.020 must be licensed consistent with CMC 5.15.040.

5.15. 040 Annual Short-Term Rental Operating License Required

A. Operating License: No owner of property within the Chelan city limits may advertise, offer, operate, rent, or otherwise make available or allow any other person to make available for occupancy or use a short-term rental without a valid short-term rental operating license. Annual renewal is required.

B. Business License: All short-term rental owners or authorized agents shall obtain a valid City business license and annually renew it.

C. Short-Term Rental Operator Records and Advertisement: The short-term rental operating license registration number shall be listed on all short-term rental advertisements. **Every short-term rental owner or authorized agent shall maintain records of guest names and their contact information and revenue earned to assist with enforcement of this chapter.**

5.15. 050 Application and Fee

A. Application Required. Applications for an operating license shall be on forms provided by the City, demonstrating the application meets the standards required by this chapter. The owner or authorized agent shall certify the following information to be true and correct:

B. Incomplete Application. If a license application does not include all required materials, the application will be considered incomplete and the City will notify the applicant, in writing, explaining the information required. If the applicant provides the missing required information within 30 days of the date of the notice, the application will be reviewed. If the applicant does not provide the required information, the application will be deemed withdrawn and the City will refund the application fee.

C. License Fee. The fee for application for a short-term rental operating license or license renewal shall be in an amount to recover the City's actual average costs of reviewing and issuing the license application or license renewal application, including a fee for a late application, investigation, and any required inspections, as established by resolution of the City Council.

5.15.060 Term of Annual License and Transferability

A. Term. A short-term rental operating license shall be issued for a period of one year, with its effective date running from the date the application is due as set forth in 5.15.070 and shall be renewed annually by the owner or authorized agent provided all applicable standards of this chapter are met.

B. Transferability. The operating license shall be issued in the name of the property owner and is not transferable. Although not transferable, the new owner or authorized agent shall have 60 days to update owner and contact information to continue operation until the annual application deadline. New owners must apply for a new operating license by the annual deadline. The operating license shall terminate and be deemed void if the new property owner does not update contact information within 60 days of sale when the license holder sells or transfers the property.

5.15.070 Operating License and License Renewal

A. License Must Be Obtained. An operating license and number shall be obtained and/or renewed as required in this section. The ability to operate a short-term rental in the City shall be discontinued for failure to obtain or renew a license to operate as provided in this chapter.

B. Application and Renewal Application Process. A person engaging in a short-term rental who has not yet obtained an operating license, or who is required to renew an existing operating license, shall do so as follows:

1. Time for Application.

a. New Permits. For new operating licenses applied for after the effective date of this chapter, license applications must be submitted by November 1 for the following operating year.

b. Renewals. Renewal forms of licenses of registered STRs shall be submitted by December 1 for the following operating year, and annually every year thereafter.

c.

d. Sale of the Property. Upon change in ownership, a property subject to a short-term rental operating license, it is the obligation and responsibility of the new owner or authorized agent to obtain a new operating license to operate the short-term rental by the annual deadline. The new owner or authorized agent may operate for the remainder of the calendar year provided that the new owner shall have 60 days from the date of ownership (closing of the sale) to update owner and contact information on file with the City.

2.

c.

C. Notice – Late Applications. If the license application or renewal application is not received by the expiration date, the City shall send notice of expiration to the owner and authorized agent, if known, of any property for which a timely application has not been received, advising the owner that they have 30

days to respond. An application will be considered timely submitted if the City receives a completed application, accompanied by the required fees, within the 30-day late period.

D. License Expiration.

1. All operating licenses will expire Dec. 31 of each year.

2. Late renewals. Renewal applications shall be received by December 1st. If fees are not paid by Feb. 1st, the operator has until March 1st the ability to operate shall be discontinued and the City will commence revocation of the license pursuant to the procedures in CMC 5.15.100.

3. For transfer of property to new owners, once the 60-day grace period to update owner and contact information for a current license expires as referenced in subsection (B)(1)(c) of this section, or the new application deadline lapses, the ability to operate shall be discontinued with no further action by the City.

E. Renewal Standards.

1. The City will review an application for operating license renewal and issue a renewal provided all the criteria of approval in Chapter 5.15.080 continue to be met. If not met, or documented nuisances or complaints are on file regarding the Short Term Rental, the City reserves the right to deny the renewal of the operating license and the property shall not be used as a short-term rental.

2. A decision on an operating license application or renewal may be appealed as provided in CMC 5.15.120.

5.15.080 Application Requirements and Criteria for Approval

A. Operational Requirements. The applicant has the burden of proof to demonstrate compliance with each applicable criterion for approval or renewal of the operating license. The approval criteria also operate as continuing code compliance obligations of the owner. Staff may verify evidence submitted and the applicant shall cooperate fully in any investigation. Required criteria include:

1. Owner Information. Owner's name, permanent residence address, permanent residence telephone number and electronic mail addresses, and the short-term rental address and telephone number. The application must also include the names, mailing addresses, electronic mail addresses, and telephone numbers of all persons holding an ownership interest in the property, or holding an ownership interest in the entity that owns the property.

2. Representative Information. If the owner does not permanently reside within the Chelan City limits or is not always available when the property is being rented, the owner shall provide the name, telephone number and email of a qualified person (which can be a person or company) who can be contacted concerning use of the property and/or complaints and can respond to the property within 30 minutes to complaints related to the short-term rental consistent with definitions and requirements in CMC 5.15.020 and 5.15.080 respectively.

3. Zoning Compliance. The applicant shall identify the zoning district applicable to the short-term rental property by providing parcel number and physical address.

4. Parking. The owner shall provide at least one off-street parking space, outside of the required setbacks for each two rented bedrooms. Where off-street parking requirements cannot be met the

number of rented bedrooms shall be limited. A parking diagram of the approved parking spaces for tenant vehicles shall be provided to tenants and be available in a prominent location within the short-term rental dwelling.

5. Occupancy. Occupancy limits and number of bedrooms. The maximum number of occupants permitted to stay overnight shall be two people for each bedroom, plus two additional persons, excluding children under the age of six.

a. A scaled floor plan must be submitted depicting the location of each sleeping area

b. All sleeping areas must comply to the habitable space requirements of International Residential Code as adopted by the City.

7. Good Neighbor Guidelines¹. Acknowledgment of receipt and review of a copy of the good neighbor guidelines. Evidence that the good neighbor guidelines have been effectively relayed to short-term rental tenants, by incorporating it into the rental contract, including it in the rental booklet, posting it online, providing it in a conspicuous place in the dwelling unit, or a similar method.

8. Health and Safety.

a. Fire and Emergency Safety. Prior to approving the initial operating license, the City shall perform a life-safety inspection. After the unit is approved for rental, a completed self-certification checklist for health and safety (fire extinguishers, smoke alarms, carbon monoxide detectors, appropriate egress, etc.) shall be required with each annual operating license renewal consistent with forms provided by the Administrator. [See example in Attachment B.]

b. Owner Responsibility. It is the owner's responsibility to assure that the short-term rental is and remains in substantial compliance with all applicable codes regarding fire, building and safety, health and safety, and other relevant laws.

c. Exception. Within the first year of adoption of this code, the City shall provisionally approve licenses for a period of six months upon receipt of the self-certification checklist. Compliance with Fire and Safety requirements must be met by the renewal date thereafter.

9. Listing Number. If they advertise, the listing numbers or website addresses of where the short-term rental advertises such as the rental platform (for example, VRBO, Airbnb or other) website number, account number, Uniform Resource Locator (URL), etc.

¹ Guidelines may be subject to change via administrative decision. Updated guidelines shall be made available annually. [See Attachment A.]

10. Waste Management. Weekly solid waste collection service shall be provided. Trash must not be visible from public view and must be in proper containers on collection day.

11. Noise. Noise shall not be in violation of CMC Chapter 8.31, Public Disturbance Noises.

12. Nuisances. The property and operation shall be free from nuisances per CMC Chapter 8.26.

13. Character of Structure. Occupancy and operation shall be compatible with the surrounding neighborhood character. The short-term rental shall not give the appearance of being a business. Factors upon which compatibility will be judged include but are not limited to: noise, traffic, solid waste management, signage, and light and glare.

14. Verification of Neighborly Notice. Applicants must provide evidence that neighborly notifications in Section B6 below have been met.

15. Such other information as the Administrator deems reasonably necessary to administer this chapter.

B. Approval Criteria. To receive approval or renewal, an applicant must demonstrate that all approval criteria listed below have been satisfied:

1. Operational Criteria: Shall be met per subsection A above.

2. Renewals. All short-term rentals must operate under a current license regardless of non-use. If a property has not been rented in a 12 month period, renewal of license criteria must still be met to maintain license.

3. Operating License Revocation. If an owner lapses in renewing the annual licenses or fails to provide adequate renewal criteria, an operating license shall be revoked by the City under CMC 5.15.100. The exception to these criteria for continuation of an operating license is a temporary hardship exception, which includes submission of proof, acceptable to the City, that: (a) a medical condition of the owner or family member jeopardizes the ability of the owner to operate the short-term rental; or (b) the death of the spouse or family member jeopardizes the ability of the owner to operate the short-term rental; or (c) structural integrity of the short-term rental deems it uninhabitable for tenants and is not self-imposed. The City may attach a time limit to this hardship exception. A time limit may be set by the Administrator but shall not exceed six months. A one-time extension may be approved upon request if one of the conditions of this section still applies.

4. Contact Information. The owner or authorized agent has provided information sufficient to verify a qualified person will be available consistent with definitions in CMC 5.15. 020. The owner or qualified person shall be available to be contacted by telephone to ensure a response to the short-term rental address at all hours (24 hours a day, seven days a week) and within 30 minutes while the dwelling unit is occupied for rent. The designated representative may be changed from time to time throughout the term of the license. To do so, the license information shall be revised with the City at least 14 days prior to the date the change takes effect, except when the failure to do so is beyond the owner or authorized agent's control. In an emergency or absence, contact forwarding information to a qualified person may be provided for the owner or representative.

6. Notice to Neighbors.

a. New Applications: The owner or authorized agent shall either: (a) provide an annual mailing or otherwise distribute by hand, a flier to neighbors within a 250-foot radius of

the short-term rental property address containing the owner and/or representative contact information, or (b) post a small placard or sign as permitted by Chapter 17.58 Signs, near the adjacent street advising neighbors and tenants of the same information where it can be seen from the public right-of-way. The purpose of this notice is so that adjacent property owners and residents can contact a responsible person to report and request resolution of problems associated with the operation of the short-term rental. If the permanent contact information changes during the license period, the new information must be mailed or distributed again, or changed on the placard or sign.

b. Renewals: Renewal applications may provide evidence of placard in lieu of annual mailings or distribution.

c. **Electronic Availability.** In addition, the City will make a database electronically accessible within which any person can enter in an address of a short-term rental and obtain the owner/authorized agent and/or representative's name and telephone number.

7. No Pending Actions or Violations. At the time of application, the owner of a short-term rental shall not have received a civil citation regarding compliance of the subject short-term rental property with any provision of the Chelan Municipal Code. A voluntary assurance of compliance, negotiated compliance agreement, or deferred sentence agreement will satisfy the requirement that there be no pending actions or violations. The owner shall be in compliance with the Chapter 3.36, Special Excise Tax on Lodging, and other local sales taxes and state hotel/motel and sales taxes. The owner must be in good standing with Code Enforcement including no active cases or unresolved issues.

C. Mandatory Postings. The short-term rental license issued by the City shall be displayed in a prominent location within the interior of the dwelling adjacent to the front door. The license will contain the following information:

1. A license number or other identifying mark unique to the short-term rental operating license which indicates the license is issued by the City of Chelan, with the date of expiration;
2. The name of the owner or representative and a telephone number where the owner or representative may be contacted;
3. The number and location of approved parking spaces;
4. The maximum occupancy permitted for the short-term rental;
5. Any required information and conditions specific to the operating license;
6. The property address; and
7. The City of Chelan official logo.

5.15.090 Additional Operational Requirements

A. Response to Complaints. The owner or representative shall respond to neighborhood questions, concerns, or complaints in a reasonably timely manner depending on the circumstances.

1. Complaints. The owner or representative shall maintain a record of complaints and the actions taken in response to the complaint, if relevant, in an electronic or written manner deemed

reasonable to document the interaction. This record shall be made available for City inspection upon request to investigate under subsection (A)(3) of this section.

2. City Authority.

a. Certain types of complaints are subject to the City's regulatory authority under other sections of the Chelan Municipal Code (noise complaints, nuisance, disorderly conduct, etc.). Other complaints related to occupancy and on-site parking are subject to the City's code enforcement authority pursuant to this chapter. It is not intended that the owner, agent or representative act as a peace officer or code enforcement officer or put themselves in an at-risk situation. However, reasonable initial inquiries or complaints related to noise, disturbances, occupancy or parking may first be made to the owner or representative.

b. Complaints specifically related to the good neighbor guidelines, or the condition, operation or conduct of occupants of the short-term rental, should first be made to the owner or representative. If there is a failure to respond or a clearly inadequate response by the owner or representative, a complaint may be submitted to the City on a form provided by the City and the City will respond or investigate as needed. The City will first seek voluntary compliance or resolution, but if the City finds substantial evidence supports further action given the complaint(s), the City will follow the warning procedures set forth in Chapter 2.80.

3. Records. On request and in compliance with the public records law, the City shall provide the owner, authorized agent and/or representative with the information in the complaint.

4. Grounds for Warning. Repeated failure of the owner or representative to timely and reasonably respond to a complaint(s) relayed by City staff is considered grounds for a warning and potential revocation under CMC 5.15.100. Issuance of a noise citation to a tenant may be grounds for a warning to the owner, only if under the circumstances in the reasonable judgment of the Administrator, the owner should be held responsible. Issuance of a public nuisance citation may be grounds for a warning in the appropriate circumstances.

5. Administrative Rules. The Administrator shall have the authority to establish administrative rules and regulations consistent with the provisions of this chapter for the purpose of interpreting, clarifying, carrying out, furthering, and enforcing the provisions of this chapter. A copy of such administrative rules and regulations shall be on file in the office of the City Clerk and be posted on the City website.

5.15. 100 Revocation Procedure

A. In addition to the penalties described in CMC 2.80.160, the following provisions apply to violations of this chapter:

1. Failure to renew an operating license as set forth in CMC 5.15.070 is grounds for immediate revocation of the operating license.
2. Failure to meet the criteria required by 5.15.080 is grounds for immediate revocation of the operating license.
3. The discovery of material misstatements or providing of false information in the application or renewal process is grounds for immediate revocation of the operating license.

4. Such other violations of this chapter of sufficient severity in the reasonable judgment of the Administrator, so as to provide reasonable grounds for immediate revocation of the operating license.
6. Other violations of this chapter, including but not limited to City initiated investigation/sustaining of complaints, shall be processed as follows:
 - a. For the first violation within a 12-month period, the sanction shall be a warning notice.
 - b. If the same offense continues to occur or a second similar offense occurs at any time during a 12-month period, the City may either send a second warning notice or suspend the operating license for 90 days, depending on the severity of the offense.
 - c. If a third similar offense occurs at any time during a 12-month period, the penalty shall be revocation.

B. Notice of Decision/Appeal/Stay. If the operating license is suspended or revoked as provided in this section, the Administrator shall send written notice of suspension and revocation to the owner stating the basis for the decision. The notice shall include information about the right to appeal the decision and the procedure for filing an appeal. The owner may appeal the Administrator's decision to revoke the operating license to the Hearing Examiner per CMC Chapter 2.15. Upon receipt of an appeal, the Administrator shall stay the suspension or revocation decision until the appeal has been finally determined by the Hearing Examiner.

5.15.110 Violations – Penalties

- A. In addition to the revocation procedure of CMC 5.15.100, any person or owner who uses, or allows the use of, property in violation of this chapter is subject to the enforcement authority of CMC Chapter 2.80.
- B. The following conduct also constitutes a violation of this chapter and is a civil infraction:
 1. Representing a dwelling as available for occupancy or rent as a short-term rental where the owner does not hold a valid operating license issued under this chapter, or making a short-term rental available for use, occupancy or rent without first obtaining a valid operating license. Evidence of operation includes but is not limited to advertising, online listings or calendars of availability, guest testimony, online reviews, rental agreements or receipts;
 2. Advertising or renting a short-term rental in a manner that does not comply with the standards of this chapter; and
 3. Failure to comply with the substantive standards of CMC 5.15.070 and 5.15.080.
- C. Notwithstanding the application of the uniform code enforcement procedures in Chapter [2.80](#), the business license fee and any assessed late charges shall constitute a debt to the city and may be collected by court proceedings in the same manner as any other debt in like amount, which remedy shall be in addition to all other existing remedies.
- D. Termination of Water Service. In addition to the methods of code enforcement in Chapter [2.80](#), the administrator may terminate the provision of water service to the applicant or licensee.

Note: C and D are from Business License regulations, CMC 5.13.090.

5.15. 120 Appeals of Short-Term Rental Operating License Determinations

- A. Filing Requirements – Notice. The owner or authorized agent may appeal a short-term rental operating license revocation to the Hearing Examiner.
- B. Authority to Decide Appeal. The Hearing Examiner shall be responsible for determining an appeal of a decision approving or denying an application or renewal application for an operating license, or revoking or suspending an operating license, in any zone.
- C. Time for Filing. An appellant is required to file a written notice of appeal including the basis for the appeal within fourteen calendar days of the license determination being appealed.
- D. Fee for Appeal. The City Council may establish by resolution a fee for filing an appeal. The fee shall be sufficient to recover the average or actual costs of mailing notice of hearing and conducting the hearing.
- E. Procedures. The Administrator may establish administrative procedures to implement the appeal procedures provided in this section, including any required forms. The Hearing Examiner may adopt procedures for hearings consistent with CMC Chapter 19.30.
- F. Hearing. Within 30 days of receiving the notice of appeal, the Administrator shall schedule a hearing on the appeal before the Hearing Examiner. At the hearing, the appellant shall have the opportunity to present evidence and arguments as may be relevant.
- G. Standard of Review and Decision. The Hearing Examiner shall determine whether the City’s decision was based on a preponderance of the evidence. A decision of the Hearing Examiner shall be based on the evidence received. The Hearing Examiner may determine not to suspend or revoke the license, or to revoke or suspend the license. If the Hearing Examiner upholds the decision to revoke the operating license, the Hearing Examiner shall order the owner to discontinue use as a short-term rental.
- H. Finality. The Hearing Examiner’s decision shall be final on the date of mailing the decision to the appellant. The Hearing Examiner’s decision is the final decision of the City and is appealable only to Superior Court.

5.15. 130 Discontinuance of Short-Term Rental Occupancy

- A. After Revocation. After a short-term rental operating license has been revoked, the dwelling unit may not be used or occupied as a short-term rental unless a new short-term rental operating license and business license are granted, and the owner of the property to which the license applied and whose license has been revoked shall not be eligible to reapply for a short-term rental license for short-term rental occupancy of the same property for a period of 12 months from the date of revocation.
- B. After Expiration. If a short-term rental operating license expires, the dwelling unit may not be used or occupied as a short-term rental, except for the 60-day grace period for new owner(s) of property during which time they may apply for a new operating license. New operating licenses on properties with expired licenses shall comply with application procedures, criteria, inspections, and requirements in this chapter and any future conditions or requirements pertaining to Short term rentals.

5.15. 140 Remedies Not Exclusive

The remedies provided in this chapter are in addition to, and not in lieu of, all other legal remedies, criminal and civil, which may be pursued by the City to address any violation of this code or other public nuisance.

Attachment A: Good Neighbor Guidelines

Short Term Rental Operating License - Good Neighbor Guidelines

The Good Neighbor Guidelines (GNG) were created to educate Short-Term Rental (STR) owners and tenants/guests on the importance of being a good neighbor.

- **24-Hour Contact Information.** If at any time you have concerns about your stay with regards to the unit's health, safety, overall cleanliness, or concerns from your neighbors, please call the 24-hour contact number listed here:

Qualified Contact Person's Name:

Daytime Number: _____ Evening number:

email:

text number:

My qualified person's contact is also listed in the rental lease agreement, and posted in the unit, and distributed to my neighbors.

In the event of an emergency, please call 911.

- **General Respect for Neighbors.** Be friendly, courteous, and treat your neighbors like you want to be treated. Respect your neighbors and their private property by not trespassing
- **Noise.** The City of Chelan prohibits nuisance noise during hours of rest. Please be considerate of the neighborhood, and your neighbor's right to the quiet enjoyment of their home and property, especially after 10 p.m. Noise complaints generated from your party may result in a civil penalty and/or the owner's rental license revocation.
- **Maintenance of Property.** Be sure to pick up after yourself and keep the property clean, presentable and free of trash.
- **Garbage Disposal.** Place trash and recycling containers at the appropriate place and time for pickup. Return trash and recycling containers to the designated location within 12 hours after pickup. Cigarette butts should be properly extinguished and disposed of in the garbage.
- **Parking & Traffic Safety.** Refer to the parking diagram posted in the unit and park in the designated visitor spots. You are allowed to have one car for every two bedrooms. Do not park on lawns or in a manner which blocks driveways, sidewalks, alleys, or mailboxes. Drive slowly through neighborhoods and watch for pedestrians and children playing.
- **Pets.** Promptly clean-up after your pets. Prevent excessive and prolonged barking. Keep pets in designated areas and obey local leash laws to avoid them from roaming the neighborhood. Control aggressive pets. Store pet food indoors and in a secure container to reduce the likelihood of unwanted pest problems.
- **Tenant/Guest Responsibility.** Approved guests and their visitors are expected to follow these Good Neighbor Guidelines. Be sure to read your rental agreement for additional terms and restrictions which may include consequences for violating the Good Neighbor Guidelines.

Attachment B: Self-Certification Checklist

PROPERTY AND CONTACT INFORMATION

Property Owner		
Parcel Number		
Parcel Address		
City, State, Zip Code		
Zip Code		
Mailing Address		
City, State, Zip Code		
Phone/Email Contact	Phone:	Email:

QUALIFIED PERSON

“Qualified person” means the owner, authorized agent, or a designated contact person who is at least 21 years of age and who resides within 30 miles of the city limits of the city of Chelan and is available to respond to short-term rental tenants, neighbors, and the City regarding complaints or other operational conditions of the short-term rental unit.

The owner or authorized agent or qualified person shall be available to be contacted by telephone to ensure a response to the short-term rental address at all hours (24 hours a day, seven days a week) while the dwelling unit is occupied for rent.

Qualified Person Name		
City, State, Zip Code		
Phone/Email Contact	Phone:	Email:

PARKING DIAGRAM

The owner shall provide at least one off-street parking space, outside of the required setbacks for each two rented bedrooms. A parking diagram of the approved parking spaces shall be provided to tenants and be available in a prominent location within the short-term rental dwelling.

SHORT TERM RENTAL OPERATING LICENSE SELF-CERTIFICATION CHECKLIST

The purpose of this form is to provide short-term rental property owners a guide when inspecting their properties to ensure compliance with the standards set forth in City of Chelan Short Term Rental Operating License, CMC Chapter 5.15.

Multi-use buildings

- For multi-use buildings with commercial and residential uses, please consult with building official before continuing with checklist.

Life Safety

- House numbers are installed and clearly visible from the street or common areas.
- Exit stairs are in good repair and have proper landings and handrails/guardrails.
- Stairs width and rise/run are sufficient.
- Door locks are present and operative.
- Window locks are present and operative.
- Porch, deck, or balcony are in good repair and have guardrails.

Exit(s)

- Exterior doors and/or door framework are in good repair.
- Exit windows from sleeping rooms are provided and sufficient in area or dimension.
- Exiting is sufficient in number, width, or access for the occupant load served.

Fire

- Operative smoke detectors in all sleeping rooms, outside of sleeping areas, and on each floor of dwelling.
- Fire extinguishers in cooking areas
- Appropriate storage, and lack of building clutter or other fire hazards.

Electrical

- Every habitable room contains at least two electrical outlets or one outlet and one light fixture.
- All electrical equipment, wiring, and appliances have been installed and are maintained in a safe manner.
- Ground fault circuit interrupters are installed in the bathrooms and kitchens.
- Light fixtures, receptacles or switches are in working order.

Plumbing, Heating, Ventilation, and Sanitation

- Dwelling equipped with bathroom facilities consisting of a toilet, sink, and either a bathtub or shower.
- Dwelling equipped with kitchen facilities consisting of a stove, refrigerator, and sink.
- All plumbing fixtures connected to the sanitary sewer system and equipped with proper "P" traps.

- All plumbing fixtures connected to an approved water supply and provided with hot and cold water necessary for their normal operation.
- All sanitary facilities installed and maintained in safe and sanitary condition.
- Dwelling is equipped with heating facilities in operating condition.
- All solid fuel burning appliances are installed per applicable codes and maintained in safe working condition.
- Dwelling has proper ventilation in all rooms and areas where fuel burning appliances are installed.
- Temperature/pressure relief valve present on water heater.
- Adequate and operative heating or mechanical equipment.
- Dwelling is equipped with heating facilities in operating condition.
- No signs of mold or mildew on wall surfaces.
- No signs of infestation from rodents or insects.
- Dwelling is equipped with adequate garbage and rubbish storage.

Structural

- Dwelling has no sags, splits or buckling of ceilings, roofs, ceiling or roof supports or other horizontal members due to defective material or deterioration.
- No split, lean, list, or buckle of dwelling walls, partitions, or other vertical supports due to defective material or deterioration.
- Fireplaces and chimneys are not listing, bulging, or cracking due to defective material or deterioration.
- No evidence of decay or damage to exterior stairs or decks.

Weather Protection

- Dwelling has no broken windows or doors.
- No broken, rotted, split, buckled of exterior wall or roof coverings that affect the protection of the structural elements behind them.

FINAL BILL REPORT

SHB 1798

C 346 L 19
Synopsis as Enacted

Brief Description: Concerning short-term rentals.

Sponsors: House Committee on Consumer Protection & Business (originally sponsored by Representatives Ryu, Mosbrucker, Stanford and Pollet).

House Committee on Consumer Protection & Business
Senate Committee on Financial Institutions, Economic Development & Trade

Background:

Transient accommodations are facilities such as a hotels, motels, condominiums, resorts, or any other facilities or places offering three or more lodging units to travelers and transient guests.

A traveler or transient guest is a person that rents a lodging unit for less than 30 days. The guest, resident, or other occupant who purchases the lodging is a nontransient on day 30, regardless of the lodging unit they occupy throughout the continuous 30-day period.

A guest who contracts in advance and remains in continuous occupancy for the initial 30 days is considered a nontransient from the time they start occupying the unit. A business does not need to charge tax on charges for nontransient lodging.

Property owners who rent out homes, rooms, condominiums, timeshares, cabins, and campsites on a short-term basis (less than 30 consecutive days) for overnight accommodations must register with the Department of Revenue (DOR) and collect and remit retail sales tax and applicable lodging taxes on the rental charges. Property owners also owe business and occupation tax, but may qualify for the small business and occupation tax credit. Property owners may choose to use the services of a property manager or an online marketplace for booking and tax collection purposes. The property owners may still be required to register with the DOR and are required to report their rental income on an excise tax return.

Summary:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A short-term rental operator (operator) and a short-term rental platform (platform) are required to register with the DOR. An operator must remit all local, state, and federal taxes on their own accord, or through collection by a platform.

Operators are required to comply with the following consumer safety requirements:

- provide contact information of someone available to respond to guest inquiries during the length of stay;
- comply with all laws and regulations related to carbon monoxide alarms; and
- conspicuously post the rental unit's address, emergency services contact information, floor plan with fire exits and escape routes, maximum occupancy limits, and operator contact information.

Platforms must provide an operator with a summary of these safety requirements. Owners or operators that do not comply with the safety requirements may receive a warning letter from the city or county prosecutor. An owner who does not comply after receiving a warning letter is guilty of a class 2 civil infraction.

An operator must maintain primary liability insurance to cover the short-term rental unit or conduct the rental transaction through a platform that provides insurance coverage. The insurance policy may not be less than \$1 million and nothing prevents an operator or platform from seeking contributions from any other insurer also providing primary liability insurance coverage for the short-term rental to the extent of that insurer's primary liability coverage limits.

Votes on Final Passage:

House	65	32	
Senate	39	6	(Senate amended)
House	70	24	(House concurred)

Effective: July 28, 2019

A preliminary review of Chelan's WUI, Critical Areas, Nuisance abatement, and Hillside Development Standards for consistency in the context of the Wildland Urban Interface

Report by Sarah Schrock, Project Planner

The City of Chelan has numerous codes and regulations that overlap with regards to wildfire mitigation and natural resource protection. Sometimes, the goals and intent of the regulation run contrary to each other. This review outlines some of the administrative in-consistencies, strengths, and weakness of the various regulations and provides comments and recommendations to aid in Planning Department and Commission with decision-making for a more robust set of codes to address the competing interests and goals of critical area protection and property protection in the context of the WUI.

General Questions:

Did BERK update our CA map during the 2017 update? Are those maps available online yet?

Critical Areas:

Concern 1. Steep Slopes, Ravines, and Vegetation Management The most prevalent critical area in Chelan are steep slopes and ravines (which are steep slopes). Though our Critical Area ordinance references ravines, we do not explicitly protect intermittent surface streams or sub-surface drainage, nor do we identify the colluvial and alluvial depositional areas associated with ravines within our code. Ravines are the natural drainage systems of the hills. They transmit water, soil, and effect local air flow patterns. They are, by nature, high erosion areas.

This is an area of concern in the context of the wildland urban interface because development pressure is occurring within the surrounding hillsides adjacent to steep ravines which can lead to cumulative impacts. Development that changes natural drainage patterns or overloads natural drainage systems can lead to devastating impacts. Wildfire effects can dramatically increase erosion potential and overload ravines natural ability to transmit debris and water. Additionally, these ravines are important wildlife corridors and refugia.

Additionally, an accumulation of vegetation on slopes and in ravines leads to increased wildfire risk as these areas experience extreme fire behavior.

Public awareness. I suspect many homeowners may not know if their property is in or near a critical area or it's buffer. This makes vegetation management nearly impossible to enforce or regulate. Additionally, do we have a permit system for this action? Some public information coupled with wildfire info could go a long way to minimize risk for wildfire without compromising slope integrity.

Another approach: Exploring a new concept "Ravine Stewardship Program": As opposed to the "hands off" approach of ravines that our Critical Area ordinance currently decrees, a more pro-active approach to active management should be explored. The ravines are often mapped as greenbelts or conservation areas in subdivisions and then left alone. This results in overgrowth of dead wood and hazardous fuels, invasive and noxious weeds, and the accumulation of unsightly trash. I would encourage the city to

explore collaboration with Cascadia Conservation District or similar entity to develop a **Ravine Stewardship Program** that addresses wildfire risk, habitat, and erosion effects in these critical areas. Through citizen volunteers, homeowner's associations, Washington Conservation Corps crews, schools and similar groups this critical area could be restored and enhanced while addressing fire risks to nearby homes. Precedence: The City of Mercer Island recently restored their ravines to a more natural drainage regime, eliminated the take-over of noxious weeds, and have created a much more functional natural urban watershed. If and when the city engages in a Community Wildfire Protection Plan, funding would be available at state and federal levels for this type of programming.

At a minimum, the following exemption should be added:

CMC 14.10.060 Vegetation removal.

1. Critical areas review is required prior to removal of any vegetation, including nonnative vegetation, from a critical area or its buffer, whether or not development is proposed or a development permit is being sought. This provision applies to noxious weeds and invasive plant species, with the exception of hand removal or spot-spraying. If the administrator determines, based on a preliminary evaluation, that a critical area study is required, such removal of vegetation shall be incorporated in a mitigation plan designed to prevent erosion and facilitate establishment of a stable community of native plants. In all cases, including spot-spraying of noxious weeds and invasive plant species, any herbicide use must conform to all applicable laws, including labeling laws.
2. **Exception. Routine maintenance of fire breaks, defensible space, or wildland fire hazard reduction practices to reduce fuel continuity and rate of spread of wildfire to adjacent properties. When mechanical equipment for removal of vegetation is proposed on sites suspect to high erosion potential on slopes exceeding 30%, land owners must obtain written approval from the Planning Department (or appointed agency of reference, ie fire department, DNR, Conservation District Firewise specialists etc.) for specific guidelines on vegetation management in the WUI.**

CMC 14.10.040. B. General Exemptions

Add item

7.0. Routine vegetation maintenance or removal using hand held tools and equipment in accordance with standard defensible space practices to minimize risk to home ignition and wildfire spread in the wildland-interface zones.

Comments: The ordinance requires CA review prior to vegetation removal. Which critical area does this apply to? The code should specify and develop or reference pre-published guidelines per the type of critical area. Vegetation management of ravine vegetation is different than for shrub-steppe slopes.

-The map on our website is dated 2007 and labelled Sensitive Area Map. CMC 14.10.030 repealed "Establishment of Sensitive Areas". Nomenclature should be consistent.

Title 14 Environmental Regulations

Edits

14.20.110 Dead or diseased tree **or vegetation** removal on private property.

1) The city shall have the right to cause the removal of any dead or diseased trees **or vegetation accumulation** on private property within the city **or UGA** when such **vegetation build-up** constitutes a fire hazard or a general safety hazard from the potential of branch or tree fall onto neighboring properties, public ROW, or public spaces.

Regardless of WUI zones, fire hazards shall be determined by qualitatively evaluating the presence of any one or a combination of the following conditions:

1) presence of dead and dry woody or combustible materials within defensible spaces of subject property or within 100' to neighboring properties or facilities

2) the continuity of flashy fuels adjacent to and between structures

3) moderate to high levels of fuel loading

4) presence of latter fuels, over-hanging vegetation, or flammable live or dead vegetation within the proximity of other flammable materials or structures.

2) Enforcement and notification.

a) The presence of a fire hazard shall be assessed by the code enforcement officer or another designated official by the city. The code enforcement officer or designee shall conduct annual fire hazard inspections by June 15th of each year.

b) The planning and building department will notify the owners of such trees **or fire hazards** in writing. Removal shall be done by owners at their own **expense** within ~~sixty~~ **30** days after the date of service of notice **during the months of Oct-April. Between April 1-and June 15th, After June 15th, property owners shall have 10 days to remove hazardous fuel vegetation upon receipt of written notice.**

3) When the degree to which a hazard tree poses a threat is disputed by the property owner, ~~life and property as recommended by a ISA~~—certified arborist must decide the health and prescription of the tree at the expense of the property owner. The city shall accept the recommended treatment of the hazard tree as recommended by the certified arborist. The property owner shall submit either a copy of a receipt of inspection and treatment or a written letter baring the arborist's credentials stating the inspection and ~~treatments recommended or conducted. or harbor insects or diseases which constitute a potential threat to other trees within the city.~~

4) In the event of failure of owners to comply with provisions 1-3, the city shall have the authority to remove such trees and/or vegetation and charge the cost of removal on the owner's property tax notice or proceed with abatement procedures pursuant to CMC 8.20. (Ord. 1333 (part), 2007).

Concern 2. Administering the CA code.

Plan review of anything over 15% triggers hillside development, and anything 30% or over should trigger CA review...is this happening? How is it tracked and accounted for in our permit review?

Our steep slope/landslide potential areas are very difficult to interpret administratively and geo-tech reports look to the feasibility of the building on the site, not necessary the impacts to the slope or cumulative impact of development across a slope or landform. The actual landslide risk potential areas are difficult to discern for current planner and building official. The County's shallow and deep seated landslide maps should be used as preliminary review, but erosion potential seems a more likely failure of our current code. We need to develop better diagnostics to determine when a Critical Area report is required on a steep slope. I am not sure how our development standards address this risk but the CA code should be pre-emptive and develop erosion control standards unless our Development Standards are adequate.

-Seismic zones, deep seated and shallow landslide potential zones should be added to our reference materials, especially made available to our building department for reference.

-Our CA ordinance was written before the onset of the fire regime we are now experiencing. Recent and previously burned areas may increase likelihood of erosion potential, this is not well accounted for in our current Critical Area mapping or development regulations.

-In general, I would argue we need to develop better site analysis tools for our current planning process and review development guidelines for steep slopes as opposed to relying on site-specific geo-tech reports for each independent project. As a public agency operating under GMA, we need to account for cumulative impacts to the environment which includes changes to drainage patterns and erosion. Furthermore, in our region, climate change scenarios depict more rain on snow events, more drought, more frequency and intensity of storms and flash flooding, and more fire – all of these impacts will be occurring on slopes - we need to look at our erosion hazard more comprehensively and adapt our regulations according.

Hillside Development Standards.

This provision applies to all developments on slopes > 15%. Amendments appear in red.

1. The use of native vegetation and drought tolerant, fire-resistant landscaping is required. Species shall be those listed on the Washington Native Plant Society list of native vegetation for Eastern Washington, Fire-resistant Landscaping for Chelan/Douglas County, or an equivalent resource as approved by the city.

2. To the extent feasible, native vegetation shall be preserved in the design of the site and locations of buildings. **Exception: removal of natural shrubs and trees and surface fuels in accordance with the city's adopted WUI code for vegetation management on slopes shall be acceptable. The intent of any vegetation removal for fire risk reduction shall be to minimize continuity of fuels.**

3. **Natural** Vegetation that is disturbed during site development shall be replaced with native vegetation **or fire-resistant plants. Re-establishment of vegetation shall be achieved within one growing season from the time of alteration.** (Ord. 1533 § 8 (Exh. 92) (part), 2017).

“Nuisance” means:

1. An act or omission to act, or a condition or use of property which either annoys, injures or endangers the comfort, repose, health or safety of the public; offends public decency; decreases the value of nearby property; or in any way renders other persons insecure in life or in the use of property.

2. The erecting, maintaining, using, placing, depositing, causing, allowing, leaving or permitting to be or remain in or upon any private lot, building, structure, or premises, or in or upon any street, avenue, alley, park, parkway, public water (including lakes, rivers and/or streams), or other public or private place in the city, any one or more of the following conditions, things, or acts:

a. Accumulations of refuse, except a compost pile so covered or concealed as not to affect the health, safety or depreciation of adjoining property;

b. Burning or disposal of refuse or other material in such a manner as to cause or permit dense smoke, ashes, soot or gases arising from such burning or disposal to become annoying or endangering the health, comfort or repose of any person or the general public, or which threatens to burn vegetation or structures on neighboring properties. The burning of small amounts of weeds, twigs, grass, or other material resulting from the normal tending of lawns or gardens is allowed;

c. Carcasses of animals not buried or destroyed within twenty-four hours after death;

d. Trees, plants, shrubs or vegetation, or parts thereof overhanging a public sidewalk or street which are less than ten feet above the surface of said sidewalk, or less than twelve feet above the surface of said street;

e. The existence of any vines or climbing plants growing into or over any street, public hydrant, power or light pole; or the existence of any shrub, vine or plant growing on, around or in front of any hydrant, stand pipe, sprinkler system connection or any other appliance or

facility provided for fire protection purposes in such a way as to obscure the view thereof or impair the access thereto; or obstruct or interfere with the proper diffusion from the light from any street lamp;

f. Any use of property abutting on a public street or sidewalk or any use of public street or sidewalk which causes any obstruction of traffic and the free use of the streets or sidewalks; provided, that this subsection shall not apply to events, programs or parades authorized by the city council;

g. Any poisonous or harmful substance which is reasonably accessible to persons or to animals;

h. Any attractive nuisances which may prove detrimental to children which is left in any place exposed or accessible to children. This includes, but is not limited to, unused or abandoned refrigerators, freezers, or like containers, or other large appliances or equipment or parts thereof; abandoned motor vehicles; any structurally unsound or unsafe fence or edifice; any unsecured or abandoned excavation, pit, well, cistern, storage tank or shaft; any lumber, trash, debris or vegetation which may prove a hazard for minors;

i. The existence of any dead, diseased, infested or dying tree or other vegetation that may constitute a danger to property or persons;

j. The existence of any fence or other structure which creates any traffic safety problem through obscured sight distance;

k. The existence of any fence or other structure or thing which is in a sagging, leaning, fallen, decayed or other dilapidated or unsafe condition on private property abutting or fronting upon any public street, sidewalk or place;

l. The existence of any fence or other structures located in a public right-of-way without specific approval from the city;

m. Any accumulation of material on property including, but not limited to, animal matter, ashes, bottles, boxes, broken stone, building materials which are not properly stored or neatly piled, cans, cement, crates, empty barrels, dead animals or animal waste, glass, litter, mattresses or bedding, old appliances or equipment or any parts thereof, furniture, iron or other scrap metal, packing cases, packing material, plaster, plastic, rags, wire, yard waste or debris or other objects which endanger property or public safety, or constitute a fire hazard or

vermin habitat; provided, that nothing herein shall prevent the temporary retention of waste in covered receptacles approved by the building official;

n. Any dangerous building as defined in the Uniform Code for the Abatement of Dangerous Buildings, or any building, structure, or addition to such, commenced and left unfinished six months beyond the expiration of the building permit issued for that building or twelve months from the date of building commencement if no building permit was required to be issued;

o. The nonemergency repair of an automobile, truck or other motor vehicle of any kind upon the public streets, alleys or other public property of the city;

p. The erection, continuance or use of any building, room or other place in the city for the exercise of any trade, employment or manufacture which, by producing noxious fumes, offensive odors or other annoyances, is discomforting, offensive or detrimental to the health of individuals or of the public;

q. Any unguarded or abandoned excavation, pit, well, or holes which would endanger health or safety;

r. Dumping, depositing, placing or leaving of any litter, refuse, ashes, debris, gravel, earth, rock, stone or other material upon the banks, channels, beds or bars of any navigable water, or the felling of any tree or trees, so that the same shall in whole or in part project within the high water bank of any navigable watercourse, or the casting, placing, depositing or leaving of any logs, roots, snags, stumps, or brush upon the banks or in the bed or channel of any navigable watercourse;

s. Any condition prohibited by Section [17.04.065](#), relating to the keeping of livestock and poultry;

t. Grass, weeds, shrubs, bushes, trees or vegetation growing or which has grown and died which constitute a fire hazard or a menace to public health, safety or welfare.

3. Violating the rules regarding the conduct of sidewalk business activities in the high density commercial district of the city, as set out in Chapter [5.60](#).

4. The failure to comply with the requirements of maintaining a key box and the updating of keys for said key box, as described in Chapter [15.14](#).

5. The declaration of any activity or condition as constituting a nuisance in any other portion of the Chelan Municipal Code.

8.26.075 Violations, penalties and enforcement. 

Except as otherwise expressly provided, any violations of this chapter shall be enforced according to the uniform procedures set out in Chapter [2.80](#). (Ord. 1502 § 5 (Exh. T), 2015).

7.60.030 Landscaping typology standards. 

Below are described five landscaping types. These landscaping types may be required by different sections of code in this title.

A. Type A Landscaping. **Screens**

1. Type A landscaping shall function as a full screen and visual barrier. This landscaping is typically found between residential and nonresidential areas and to screen unwanted views;
2. Type A landscaping shall minimally consist of:
 - a. A mix of primarily evergreen trees and shrubs generally interspersed throughout the landscape strip and spaced to form a continuous screen;
 - b. Between seventy and ninety percent evergreen trees;
 - c. Trees provided at the rate of one per one hundred square feet or one per ten linear feet, whichever is greater, of landscape strip;
 - d. Evergreen shrubs provided at the rate of one per twenty square feet of landscape strip;
 - e. Ground cover;
 - f. Applicants shall demonstrate to the director's satisfaction that the selected plant materials and configuration will be able to completely screen eighty percent of the unwanted views within three years of planting and fully screen the unwanted view within six years. This requirement will account for the size of materials planted and their typical growth rate; and
 - g. Within the primary zone wildland-urban interface areas defined in Chapter [15.06](#), landscaping **screens** shall **require non-combustible, fire rated and ignition resistant materials compliant** with Section [17.60.035](#).

~~**8.15.030 Proceedings – Resolution.**~~ 

~~Whenever a condition violating Section [8.15.020](#) exists upon property located within the city, the city council may initiate proceedings against the landowner by resolution, passage of which shall not occur until at least five days' written notice has been provided to the landowner. The resolution shall describe the subject property and the hazardous condition(s), and shall require the landowner to remove or destroy the same by the deadline established therein, which shall be no less than ten days from the date of passage of the resolution. A copy of the resolution shall be provided to the landowner following passage. (Ord. 1519 § 1 (Exh. A) (part), 2016).~~

~~**8.15.040 Completion of work by city.**~~

~~If the landowner fails to remove or destroy the dangerous condition(s) identified in the city council resolution by the deadline established thereby, the city may cause the removal or destruction of such condition(s). (Ord. 1519 § 1 (Exh. A) (part), 2016).~~

~~**8.15.050 Cost recovery – Lien.**~~

~~The costs incurred by the city under this chapter shall become a charge to the landowner and a lien against the subject property. Notice of such lien shall be in substantially the same form, filed with the same officer, and within the same time and manner, and enforced and foreclosed as provided by law for liens for labor and materials. (Ord. 1519 § 1 (Exh. A) (part), 2016).~~

~~**8.15.060 Remedies nonexclusive.**~~

~~The provisions of this chapter are nonexclusive, cumulative, and without prejudice to any other remedy, penalty and/or procedure available to the city with respect to this subject matter. (Ord. 1519 § 1 (Exh. A) (part), 2016).~~

8.15.030 Enforcement refer to 2.80 Abatement

Chapter 8.15

**~~REMOVAL OF OBSTRUCTING, OVERHANGING, DEAD OR HAZARDOUS VEGETATION AND
DEBRIS~~**

~~Sections:~~

~~8.15.010 — Purpose — Authority.~~

~~8.15.015 — Definitions.~~

~~8.15.020 — Landowner responsibility for removing and destroying obstructing, overhanging, dead or hazardous
vegetation and debris.~~

~~8.15.030 — Proceedings — Resolution.~~

~~8.15.040 — Completion of work by city.~~

~~8.15.050 — Cost recovery — Lien.~~

~~8.15.060 — Remedies nonexclusive.~~

~~8.15.010 Purpose — Authority.~~

~~The provisions of this chapter are enacted pursuant to RCW 35.21.310 and other applicable state laws. The purpose
of this chapter is to ensure that the condition and location of trees, shrubs and other vegetation or debris do not
obstruct or impair the use of public streets or sidewalks by members of the public, or otherwise pose a hazard to the
public health, safety or welfare. It is the further purpose and intent of this chapter that landowners should bear the
primary responsibility for and cost of maintaining their own property, including without limitation all trees and
vegetation growing thereupon, in a properly confined, compliant and nonhazardous manner. The provisions of this
chapter shall be liberally construed in furtherance of said purposes and in accordance with RCW 35.21.310. (Ord.~~

~~1519 § 1 (Exh. A) (part), 2016).~~

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8.15.015 Definitions.

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Unless the context in which they are used otherwise requires, the following definitions shall govern the construction of the terms found in this chapter:

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A. "Costs" means the costs incurred by the city enforcing an enforced code, including, without limitation, the issuance of a notice or order; the service of a notice or order; the enforcement of a notice or order; inspections to whether a violation exists and/or has been corrected; or abating a violation, all including costs of independent contractors and attorneys' fees.

B. "Fire hazard" means materials which are dry and combustible, including but not limited to weeds, grass or clippings, dead bushes or trees or their parts, wood and other combustible materials.

C. "Landowner" means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including tenants, the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court, as well as a bankruptcy trustee.

D. "Weeds" includes but is not limited to any noxious plant which has been determined by the State Noxious Weed Control Board to be injurious to crops, livestock or other property and which is included for purpose of control on Chelan County's noxious weed list; or thistles, nettles or other plants that are a nuisance, hazard, tend to overgrow or choke out more desirable plants, or cause injury to man, animal or a desired crop, flower, garden plant or lawn cover. (Ord. 1519 § 1 (Exh. A) (part), 2016).

8.15.020 Landowner responsibility for removing and destroying obstructing, overhanging, dead or hazardous vegetation and debris.

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All landowners within the city shall maintain their property in a manner that does not pose a hazard to the public health, safety or welfare. Without prejudice to the foregoing, landowners shall be responsible for the following:

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~~A. Removing or destroying all trees, plants, shrubs or vegetation, or parts thereof, located upon their property which overhang any public sidewalk or street or which are growing thereon in such manner as to obstruct or impair the free and full use of the sidewalk or street by the public.~~

~~B. Removing or destroying all grass, weeds, shrubs, bushes, trees or vegetation growing or which has grown and died located upon their property which constitutes a fire hazard or a menace to public health, safety or welfare.~~

~~C. Removing or destroying all debris located upon their property which constitutes a fire hazard or a menace to public health, safety or welfare. (Ord. 1519 § 1 (Exh. A) (part), 2016).~~

~~**8.15.030 Proceedings — Resolution.**~~

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~~Whenever a condition violating Section 8.15.020 exists upon property located within the city, the city council may initiate proceedings against the landowner by resolution, passage of which shall not occur until at least five days' written notice has been provided to the landowner. The resolution shall describe the subject property and the hazardous condition(s), and shall require the landowner to remove or destroy the same by the deadline established therein, which shall be no less than ten days from the date of passage of the resolution. A copy of the resolution shall be provided to the landowner following passage. (Ord. 1519 § 1 (Exh. A) (part), 2016).~~

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~~**8.15.040 Completion of work by city.**~~

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~~If the landowner fails to remove or destroy the dangerous condition(s) identified in the city council resolution by the deadline established thereby, the city may cause the removal or destruction of such condition(s). (Ord. 1519 § 1 (Exh. A) (part), 2016).~~

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~~**8.15.050 Cost recovery — Lien.**~~

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~~The costs incurred by the city under this chapter shall become a charge to the landowner and a lien against the subject property. Notice of such lien shall be in substantially the same form, filed with the same officer, and within the same time and manner, and enforced and foreclosed as provided by law for liens for labor and materials. (Ord. 1519 § 1 (Exh. A) (part), 2016).~~

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~~8.15.060 Remedies nonexclusive.~~

~~The provisions of this chapter are nonexclusive, cumulative, and without prejudice to any other remedy, penalty and/or procedure available to the city with respect to this subject matter. (Ord. 1519 § 1 (Exh. A) (part), 2016).~~

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Chapter 8.26
NUISANCES

Sections:

- 8.26.010 Construction.
- 8.26.020 Definitions.
- 8.26.030 Nuisances unlawful.
- 8.26.040 Exempted acts.
- 8.26.050 Prohibited conduct.
- 8.26.060 Authorized act not a nuisance.
- 8.26.070 Successive owners or occupant liable.
- 8.26.075 Violations, penalties and enforcement.
- 8.26.080 *Repealed.*
- 8.26.090 *Repealed.*
- 8.26.100 *Repealed.*
- 8.26.110 *Repealed.*
- 8.26.120 *Repealed.*
- 8.26.130 *Repealed.*
- 8.26.140 *Repealed.*

8.26.010 Construction.

This chapter is an exercise of the police power of the city of Chelan and is deemed necessary for the continued peace, health and welfare of the city. Therefore all of its provisions shall be liberally construed for the accomplishment of such purposes. (Ord. 1119 § 2 (part), 1998).

8.26.020 Definitions.

The words and phrases used in this chapter, unless the context otherwise indicates, shall have the following meanings:

- A. "Abate" means to repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such a manner and to such an extent as the enforcement officer, in his judgment, determines is necessary in the interest of the general health, safety and welfare of the community.
- B. "Building" means any building, dwelling, structure, or mobile home, factory built house, or part thereof, built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.
- C. "Building materials" means and includes, but is not limited to, lumber, plumbing materials, wall board, sheet metal, plaster, brick, cement, asphalt, concrete block, roofing materials, cans of paint and similar materials.
- D. "Disposable package or container" means all packages or containers defined as such by rules and regulations adopted by the State of Washington Department of Ecology.
- E. "Enforcement officer" means the code administrator of the city of Chelan or his/her designee.
- F. "Litter" means all waste material including, but not limited to, disposable packages or containers thrown or deposited on public or private property, including depositing handbills on vehicles or public property, but not including the waste of primary processes of mining, logging, saw milling, farming or manufacturing.
- G. "Person" means any individual, firm, partnership, corporation, association or other entity, public or private, whether acting by themselves or by a servant or employee.
- H. "Premises" means any building, lot parcel, real estate or land or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

I. "Property" means any object of value that a person may lawfully acquire and hold.

J. "Nuisance" means:

1. An act or omission to act, or a condition or use of property which either annoys, injures or endangers the comfort, repose, health or safety of the public; offends public decency; decreases the value of nearby property; or in any way renders other persons insecure in life or in the use of property.

2. The erecting, maintaining, using, placing, depositing, causing, allowing, leaving or permitting to be or remain in or upon any private lot, building, structure, or premises, or in or upon any street, avenue, alley, park, parkway, public water (including lakes, rivers and/or streams), or other public or private place in the city, any one or more of the following conditions, things, or acts:

a. Accumulations of refuse, except a compost pile so covered or concealed as not to affect the health, safety or depreciation of adjoining property;

b. Burning or disposal of refuse or other material in such a manner as to cause or permit dense smoke, ashes, soot or gases arising from such burning or disposal to become annoying or endangering the health, comfort or repose of any person or the general public, or which threatens to burn vegetation or structures on neighboring properties. The burning of small amounts of weeds, twigs, grass, or other material resulting from the normal tending of lawns or gardens is allowed;

c. Carcasses of animals not buried or destroyed within twenty-four hours after death;

d. Trees, plants, shrubs or vegetation, or parts thereof overhanging a public sidewalk or street which are less than ten feet above the surface of said sidewalk, or less than twelve feet above the surface of said street;

e. The existence of any vines or climbing plants growing into or over any street, public hydrant, power or light pole; or the existence of any shrub, vine or plant growing on, around or in front of any hydrant, stand pipe, sprinkler system connection or any other appliance or facility provided for fire protection purposes in such a way as to obscure the view thereof or impair the access thereto; or obstruct or interfere with the proper diffusion from the light from any street lamp;

f. Any use of property abutting on a public street or sidewalk or any use of public street or sidewalk which causes any obstruction of traffic and the free use of the streets or sidewalks; provided, that this subsection shall not apply to events, programs or parades authorized by the city council;

g. Any poisonous or harmful substance which is reasonably accessible to persons or to animals;

h. Any attractive nuisances which may prove detrimental to children which is left in any place exposed or accessible to children. This includes, but is not limited to, unused or abandoned refrigerators, freezers, or like containers, or other large appliances or equipment or parts thereof; abandoned motor vehicles; any structurally unsound or unsafe fence or edifice; any unsecured or abandoned excavation, pit, well, cistern, storage tank or shaft; any lumber, trash, debris or vegetation which may prove a hazard for minors;

i. The existence of any dead, diseased, infested or dying tree or other vegetation that may constitute a danger to property or persons;

j. The existence of any fence or other structure which creates any traffic safety problem through obscured sight distance;

k. The existence of any fence or other structure or thing which is in a sagging, leaning, fallen, decayed or other dilapidated or unsafe condition on private property abutting or fronting upon any public street, sidewalk or place;

l. The existence of any fence or other structures located in a public right-of-way without specific approval from the city;

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

n. Any dangerous building as defined in the Uniform Code for the Abatement of Dangerous Buildings, or any building, structure, or addition to such, commenced and left unfinished six months beyond the expiration of the building permit issued for that building or twelve months from the date of building commencement if no building permit was required to be issued;

o. The nonemergency repair of an automobile, truck or other motor vehicle of any kind upon the public streets, alleys or other public property of the city;

p. The erection, continuance or use of any building, room or other place in the city for the exercise of any trade, employment or manufacture which, by producing noxious fumes, offensive odors or other annoyances, is discomforting, offensive or detrimental to the health of individuals or of the public;

q. Any unguarded or abandoned excavation, pit, well, or holes which would endanger health or safety;

r. Dumping, depositing, placing or leaving of any litter, refuse, ashes, debris, gravel, earth, rock, stone or other material upon the banks, channels, beds or bars of any navigable water, or the felling of any tree or trees, so that the same shall in whole or in part project within the high water bank of any navigable watercourse, or the casting, placing, depositing or leaving of any logs, roots, snags, stumps, or brush upon the banks or in the bed or channel of any navigable watercourse;

s. Any condition prohibited by Section 17.04.065, relating to the keeping of livestock and poultry;

t. Grass, weeds, shrubs, bushes, trees or vegetation growing or which has grown and died which constitute a fire hazard or a menace to public health, safety or welfare.

3. Violating the rules regarding the conduct of sidewalk business activities in the high density commercial district of the city, as set out in Chapter 5.60.

4. The failure to comply with the requirements of maintaining a key box and the updating of keys for said key box, as described in Chapter 15.14.

5. The declaration of any activity or condition as constituting a nuisance in any other portion of the Chelan Municipal Code.

K. "Person responsible for the violation" means any person who has an interest in or resides on the property, whether as owner, lessor, tenant, occupant or other person entitled to control, use and/or occupy the property.

L. "Refuse" means vegetable offal, animal offal, discarded food, cans, bottles, waste paper, boards and boxes, tree limbs and all other waste substances from private and public establishments and from residences; but shall not include small amounts of weeds, twigs, grass, or other material resulting from the normal tending of lawns or gardens.

M. "Repeat violation" means a violation of the same regulation in any location by the same person for which voluntary compliance previously has been sought or a notice of civil violation has been issued, within the immediately preceding twelve-consecutive-month period.

N. "Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. (Ord. 1502 § 4 (Exh. B), 2015; Ord. 1474 § 2, 2014; Ord. 1404 § 3, 2010; Ord. 1361 § 2, 2008; Ord. 1314 § 2, 2005; Ord. 1119 § 2 (part), 1998).

8.26.030 Nuisances unlawful.

Unless otherwise permitted by law and whenever the enforcement officer determines that any nuisance exists upon any premises, the enforcement officer may require or provide for the abatement thereof pursuant to this chapter. (Ord. 1119 § 2 (part), 1998).

8.26.040 Exempted acts.

This chapter shall not apply to the United States, the state of Washington, Chelan County, the city of Chelan, or any of their respective officers, employees or contractors when engaged in snow removal, street cleaning, emergency repair to any street, building or structure, fire suppression, or any other emergency for the preservation of life or property. (Ord. 1119 § 2 (part), 1998).

8.26.050 Prohibited conduct.

It shall be unlawful for any person responsible for the violation to create, permit, maintain, suffer, carry on or allow, upon any premises, any of the acts or things declared by this chapter to be a nuisance or to violate any of the provisions of this chapter. (Ord. 1119 § 2 (part), 1998).

8.26.060 Authorized act not a nuisance.

No act which is done or maintained under the express authority of a statute or ordinance can be deemed a nuisance. (Ord. 1119 § 2 (part), 1998).

8.26.070 Successive owners or occupant liable.

Every successive owner or occupant of property or premises who neglects to abate a continuing nuisance upon or in the use of such property caused by a former owner is liable therefor in the same manner as the one who first created it. (Ord. 1119 § 2 (part), 1998).

8.26.075 Violations, penalties and enforcement.

Except as otherwise expressly provided, any violations of this chapter shall be enforced according to the uniform procedures set out in Chapter 2.80. (Ord. 1502 § 5 (Exh. T), 2015).

8.26.080 Abatement does not preclude action for damages.

Repealed by Ord. 1502. (Ord. 1119 § 2 (part), 1998).

8.26.090 Voluntary correction.

Repealed by Ord. 1502. (Ord. 1119 § 2 (part), 1998).

8.26.100 Notice of civil violation.

Repealed by Ord. 1502. (Ord. 1119 § 2 (part), 1998).

8.26.110 Hearing before the court.

Repealed by Ord. 1502. (Ord. 1119 § 2 (part), 1998).

8.26.120 Abatement by the city.

Repealed by Ord. 1502. (Ord. 1119 § 2 (part), 1998).

8.26.130 Additional enforcement procedures.

Repealed by Ord. 1502. (Ord. 1119 § 2 (part), 1998).

8.26.140 Conflicts.

Repealed by Ord. 1502. (Ord. 1119 § 2 (part), 1998).

Chapter 8.26 NUISANCES

Sections:

- 8.26.010 Construction.
- 8.26.020 Definitions.
- 8.26.025 Special Standards for the Removal of obstructing, overhanging, dead or hazardous vegetation and debris that constitute a nuisance or fire hazard

- 8.26.030 Nuisances unlawful.
- 8.26.040 Exempted acts.
- 8.26.050 Prohibited conduct.
- 8.26.060 Authorized act not a nuisance.
- 8.26.070 Successive owners or occupant liable.
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- 8.26.080 *Repealed.*
- 8.26.090 *Repealed.*
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- 8.26.110 *Repealed.*
- 8.26.120 *Repealed.*
- 8.26.130 *Repealed.*
- 8.26.140 *Repealed.*

8.26.010 Construction.

This chapter is an exercise of the police power of the city of Chelan and is deemed necessary for the continued peace, health and welfare of the city. Therefore, all of its provisions shall be liberally construed for the accomplishment of such purposes. (Ord. 1119 § 2 (part), 1998).

8.26.020 Definitions.

The words and phrases used in this chapter, unless the context otherwise indicates, shall have the following meanings:

A. "Abate" means to repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such a manner and to such an extent as the enforcement officer, in his judgment, determines is necessary in the interest of the general health, safety and welfare of the community.

B. "Building" means any building, dwelling, structure, or mobile home, factory built house, or part thereof, built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

C. "Building materials" means and includes, but is not limited to, lumber, plumbing materials, wall board, sheet metal, plaster, brick, cement, asphalt, concrete block, roofing materials, cans of paint and similar materials.

D. "Costs" means the costs incurred by the city enforcing an enforced code, including, without limitation, the issuance of a notice or order; the service of a notice or order; the enforcement of a notice or order; inspections to whether a violation exists and/or has been corrected; or abating a violation, all including costs of independent contractors and attorneys' fees.

E. ~~D.~~ "Disposable package or container" means all packages or containers defined as such by rules and regulations adopted by the State of Washington Department of Ecology.

F. E. "Enforcement officer" means the code administrator of the city of Chelan or his/her designee.

G. "Fire hazard" means materials which are dry and combustible, including but not limited to weeds, grass or clippings, dead bushes or trees or their parts, wood and other combustible materials.

H. "Landowner" means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including tenants, the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court, as well as a bankruptcy trustee.

F. "Litter" means all waste material including, but not limited to, disposable packages or containers thrown or deposited on public or private property, including depositing handbills on vehicles or public property, but not including the waste of primary processes of mining, logging, saw milling, farming or manufacturing.

G. "Person" means any individual, firm, partnership, corporation, association or other entity, public or private, whether acting by themselves or by a servant or employee.

H. "Premises" means any building, lot parcel, real estate or land or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

I. "Property" means any object of value that a person may lawfully acquire and hold.

J. "Nuisance" means:

1. An act or omission to act, or a condition or use of property which either annoys, injures or endangers the comfort, repose, health or safety of the public; offends public decency; decreases the value of nearby property; or in any way renders other persons insecure in life or in the use of property.

2. The erecting, maintaining, using, placing, depositing, causing, allowing, leaving or permitting to be or remain in or upon any private lot, building, structure, or premises, or in or upon any street, avenue, alley, park, parkway, public water (including lakes, rivers and/or streams), or other public or private place in the city, any one or more of the following conditions, things, or acts:

a. Accumulations of refuse, except a compost pile so covered or concealed as not to affect the health, safety or depreciation of adjoining property;

b. Burning or disposal of refuse or other material in such a manner as to cause or permit dense smoke, ashes, soot or gases arising from such burning or disposal to become annoying or endangering the health, comfort or repose of any person or the general public, or which threatens to burn vegetation or structures on neighboring properties. The burning of small amounts of weeds, twigs, grass, or other material resulting from the normal tending of lawns or gardens is allowed;

c. Carcasses of animals not buried or destroyed within twenty-four hours after death;

d. Trees, plants, shrubs or vegetation, or parts thereof overhanging a public sidewalk or street which are less than ten feet above the surface of said sidewalk, or less than twelve feet above the surface of said street;

e. The existence of any vines or climbing plants growing into or over any street, public hydrant, power or light pole; or the existence of any shrub, vine or plant growing on, around or in front of any hydrant, stand pipe, sprinkler system connection or any other appliance or facility provided for fire protection purposes in such a way as to obscure the view thereof or impair the access thereto; or obstruct or interfere with the proper diffusion from the light from any street lamp;

f. Any use of property abutting on a public street or sidewalk or any use of public street or sidewalk which causes any obstruction of traffic and the free use of the streets or sidewalks; provided, that this subsection shall not apply to events, programs or parades authorized by the city council;

- g. Any poisonous or harmful substance which is reasonably accessible to persons or to animals;
- h. Any attractive nuisances which may prove detrimental to children which is left in any place exposed or accessible to children. This includes, but is not limited to, unused or abandoned refrigerators, freezers, or like containers, or other large appliances or equipment or parts thereof; abandoned motor vehicles; any structurally unsound or unsafe fence or edifice; any unsecured or abandoned excavation, pit, well, cistern, storage tank or shaft; any lumber, trash, debris or vegetation which may prove a hazard for minors;
- i. The existence of any dead, diseased, infested or dying tree or other vegetation that may constitute a danger to property or persons;
- j. The existence of any fence or other structure which creates any traffic safety problem through obscured sight distance;
- k. The existence of any fence or other structure or thing which is in a sagging, leaning, fallen, decayed or other dilapidated or unsafe condition on private property abutting or fronting upon any public street, sidewalk or place;
- l. The existence of any fence or other structures located in a public right-of-way without specific approval from the city;
- m. Any accumulation of material on property including, but not limited to, animal matter, ashes, bottles, boxes, broken stone, building materials which are not properly stored or neatly piled, cans, cement, crates, empty barrels, dead animals or animal waste, glass, litter, mattresses or bedding, old appliances or equipment or any parts thereof, furniture, iron or other scrap metal, packing cases, packing material, plaster, plastic, rags, wire, yard waste or debris or other objects which endanger property or public safety, or constitute a fire hazard or vermin habitat; provided, that nothing herein shall prevent the temporary retention of waste in covered receptacles approved by the building official;
- n. Any dangerous building as defined in the Uniform Code for the Abatement of Dangerous Buildings, or any building, structure, or addition to such, commenced and left unfinished six months beyond the expiration of the building permit issued for that building or twelve months from the date of building commencement if no building permit was required to be issued;
- o. The nonemergency repair of an automobile, truck or other motor vehicle of any kind upon the public streets, alleys or other public property of the city;
- p. The erection, continuance or use of any building, room or other place in the city for the exercise of any trade, employment or manufacture which, by producing noxious fumes, offensive odors or other annoyances, is discomforting, offensive or detrimental to the health of individuals or of the public;
- q. Any unguarded or abandoned excavation, pit, well, or holes which would endanger health or safety;
- r. Dumping, depositing, placing or leaving of any litter, refuse, ashes, debris, gravel, earth, rock, stone or other material upon the banks, channels, beds or bars of any navigable water, or the felling of any tree or trees, so that the same shall in whole or in part project within the high water bank of any navigable watercourse, or the casting, placing, depositing or leaving of any logs, roots, snags, stumps, or brush upon the banks or in the bed or channel of any navigable watercourse;
- s. Any condition prohibited by Section 17.04.065, relating to the keeping of livestock and poultry;
- t. ~~Any live or dead dry~~ ~~Grass, weeds, shrubs, bushes, trees or vegetation~~ ~~that growing or which has grown and died which~~ constitutes a fire hazard or a menace to public health, safety or welfare.

3. Violating the rules regarding the conduct of sidewalk business activities in the high density commercial district of the city, as set out in Chapter 5.60.

4. The failure to comply with the requirements of maintaining a key box and the updating of keys for said key box, as described in Chapter 15.14.

5. The declaration of any activity or condition as constituting a nuisance in any other portion of the Chelan Municipal Code.

6. The determination of a fire hazard may further be determined by the code enforcement officer or designee by documenting the presence of any one or a combination of the following conditions:

i) presence of dead or dry woody or combustible materials within defensible spaces of subject property or within 100' to neighboring properties or facilities

ii) the continuity of flashy fuels abutting flammable structures or other flammable materials, including vegetation

iii) moderate to high levels of wildland/natural fuel loading

iv) presence of latter fuels, over-hanging vegetation, or flammable live or dead vegetation within the proximity of other flammable materials or structures.

v) failure to maintain required defensible space requirements in CMC 17.50.035 in the primary WUI zones.

K. "Person responsible for the violation" means any person who has an interest in or resides on the property, whether as owner, lessor, tenant, occupant or other person entitled to control, use and/or occupy the property.

L. "Refuse" means vegetable offal, animal offal, discarded food, cans, bottles, waste paper, boards and boxes, tree limbs and all other waste substances from private and public establishments and from residences; but shall not include small amounts of weeds, twigs, grass, or other material resulting from the normal tending of lawns or gardens.

M. "Repeat violation" means a violation of the same regulation in any location by the same person for which voluntary compliance previously has been sought or a notice of civil violation has been issued, within the immediately preceding twelve-consecutive-month period.

N. "Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. (Ord. 1502 § 4 (Exh. B), 2015; Ord. 1474 § 2, 2014; Ord. 1404 § 3, 2010; Ord. 1361 § 2, 2008; Ord. 1314 § 2, 2005; Ord. 1119 § 2 (part), 1998).

O. "Weeds" includes but is not limited to any noxious plant which has been determined by the State Noxious Weed Control Board to be injurious to crops, livestock or other property and which is included for purpose of control on Chelan County's noxious weed list; or thistles, nettles or other plants that are a nuisance, hazard, tend to overgrow or choke out more desirable plants, or cause injury to man, animal or a desired crop, flower, garden plant or lawn cover. (Ord. 1519 § 1 (Exh. A) (part), 2016).

8.26.025 Special Standards for the Removal of obstructing, overhanging, dead or hazardous vegetation and debris that constitute a nuisance or fire hazard

The provisions of this section are enacted pursuant to RCW 35.21.310 and other applicable state laws. The purpose of this section is to ensure that the condition and location of trees, shrubs and other vegetation or debris do not obstruct or impair the use of public streets or sidewalks by members of the public, or otherwise pose a hazard to the public health, safety or welfare or otherwise constitute a nuisance or fire hazard. It is the further purpose and intent of section 8.26.026 that landowners should bear the primary responsibility for and cost of maintaining their own property, including without limitation all trees and vegetation growing thereupon, in a properly confined, compliant and nonhazardous manner. The provisions of this chapter shall be liberally construed in furtherance of said purposes and in accordance with RCW 35.21.310. (Ord. 1519 § 1 (Exh. A) (part), 2016).

8.26.026 Landowner responsibility for removing and destroying obstructing, overhanging, dead or hazardous vegetation and debris.

All landowners within the city shall maintain their property in a manner that does not pose a hazard to the public health, safety or welfare or constitute a nuisance. Without prejudice to the foregoing, landowners shall be responsible for the following:

A. Removing or destroying all trees, plants, shrubs or vegetation, or parts thereof, located upon their property which overhang any public sidewalk or street or which are growing thereon in such manner as to obstruct or impair the free and full use of the sidewalk or street by the public.

B. Removing or destroying all dried, live or dead, grass, weeds, shrubs, bushes, trees or located upon their property which constitutes a fire hazard or a menace to public health, safety or welfare.

C. Removing or destroying all debris located upon their property which constitutes a fire hazard or a menace to public health, safety or welfare. (Ord. 1519 § 1 (Exh. A) (part), 2016).

8.26.027 Completion of work by city.

If the landowner fails to remove or destroy the dangerous condition(s) identified by the code enforcement officer upon notice, by the deadline established thereby, the city may cause the removal or destruction of such condition(s).

8.26.028 Cost recovery – Lien.

The costs incurred by the city under this chapter shall become a charge to the landowner and a lien against the subject property. Notice of such lien shall be in substantially the same form, filed with the same officer, and within the same time and manner, and enforced and foreclosed as provided by law for liens for labor and materials.

8.26.029 Remedies nonexclusive.

The provisions of this chapter are nonexclusive, cumulative, and without prejudice to any other remedy, penalty and/or procedure available to the city with respect to this subject matter.

8.26.030 Nuisances unlawful.

Unless otherwise permitted by law and whenever the enforcement officer determines that any nuisance exists upon any premises, the enforcement officer may require or provide for the abatement thereof pursuant to this chapter. (Ord. 1119 § 2 (part), 1998).

8.26.040 Exempted acts.

This chapter shall not apply to the United States, the state of Washington, Chelan County, the city of Chelan, or any of their respective officers, employees or contractors when engaged in snow removal, street cleaning, emergency repair to any street, building or structure, fire suppression, or any other emergency for the preservation of life or property. (Ord. 1119 § 2 (part), 1998).

8.26.050 Prohibited conduct.

It shall be unlawful for any person responsible for the violation to create, permit, maintain, suffer, carry on or allow, upon any premises, any of the acts or things declared by this chapter to be a nuisance or to violate any of the provisions of this chapter. (Ord. 1119 § 2 (part), 1998).

8.26.060 Authorized act not a nuisance.

No act which is done or maintained under the express authority of a statute or ordinance can be deemed a nuisance. (Ord. 1119 § 2 (part), 1998).

8.26.070 Successive owners or occupant liable.

Every successive owner or occupant of property or premises who neglects to abate a continuing nuisance upon or in the use of such property caused by a former owner is liable therefor in the same manner as the one who first created it. (Ord. 1119 § 2 (part), 1998).

8.26.075 Violations, penalties and enforcement.

Except as otherwise expressly provided, any violations of this chapter shall be enforced according to the uniform procedures set out in Chapter 2.80. (Ord. 1502 § 5 (Exh. T), 2015).

8.26.080 Abatement does not preclude action for damages.

Repealed by Ord. 1502. (Ord. 1119 § 2 (part), 1998).

8.26.090 Voluntary correction.

Repealed by Ord. 1502. (Ord. 1119 § 2 (part), 1998).

8.26.100 Notice of civil violation.

Repealed by Ord. 1502. (Ord. 1119 § 2 (part), 1998).

8.26.110 Hearing before the court.

Repealed by Ord. 1502. (Ord. 1119 § 2 (part), 1998).

8.26.120 Abatement by the city.

Repealed by Ord. 1502. (Ord. 1119 § 2 (part), 1998).

8.26.130 Additional enforcement procedures.

Repealed by Ord. 1502. (Ord. 1119 § 2 (part), 1998).

8.26.140 Conflicts.

Repealed by Ord. 1502. (Ord. 1119 § 2 (part), 1998).

Chapter 8.31

PUBLIC DISTURBANCE NOISES

Sections:

- 8.31.010 Purpose.
- 8.31.020 Public disturbance noises defined.
- 8.31.030 Violation.
- 8.31.035 Exceptions.
- 8.31.040 Violations, penalties and enforcement.

8.31.010 Purpose.

The purpose of this chapter is to control noise in a manner which promotes commerce; the use, value, and enjoyment of property; sleep and repose; and the quality of the environment. (Ord. 988 § 1 (part), 1994).

8.31.020 Public disturbance noises defined.

Public disturbance noises include: loud, raucous, frequent, repetitive or continuous sounds including, but not limited to, the following sounds or combinations of sounds made from: (1) construction activity at nonapproved times; (2) audio or similar equipment capable of amplifying or broadcasting sounds; (3) portable or motor vehicle audio equipment; or (4) any horn or siren attached to a motor vehicle which is operated at such a volume for nonemergency purposes that it could be clearly heard by a person of normal hearing at a distance of seventy-five feet or more from the source of the sound. (Ord. 1057 § 1, 1996; Ord. 988 § 1 (part), 1994).

8.31.030 Violation.

A. It shall be unlawful for any person:

1. To cause, make or allow to be made from audio or similar equipment under such person's control or ownership a public disturbance noise.
2. In possession of property to allow or originate from the property a public disturbance noise.
3. To cause public disturbance noise due to construction activity between the hours of eight p.m. and seven a.m.

B. The content of the sound will not be considered in determining a violation of this section. (Ord. 1489 § 1 (Exh. A), 2015; Ord. 1057 § 2, 1996; Ord. 988 § 1 (part), 1994).

8.31.035 Exceptions.

The provisions of this chapter shall not apply to:

- A. Preparation for and action of regularly scheduled community events conducted on property owned by a governmental agency or public school district and conducted with the express permission of an authorized representative of the property owner.
- B. The ordinary and usual ringing of trolley bells by a mass transit carrier, e.g., Link trolley bus.
- C. Sounds from any activity necessary for the preservation of the public health, safety and welfare.
- D. Sounds that are the result of agricultural activities **and allowed industrial uses in the Warehouse/Industrial Zone.**
- E. Public works projects and other projects within the public rights-of-way for which the city council determines that the public benefit of night-time construction outweighs the short-term impacts of such construction. (Ord. 1521 § 1, 2016; Ord. 1489 § 2 (Exh. A), 2015).
- F. **Temporary construction to commence or continue outside the allowed construction times of 7am – 8pm may be granted upon request to the building department during Monday – Friday when environmental conditions such as**

heat or daylight would otherwise create a hardship to the development timelines or a health and safety concern to laborers.

8.31.040 Violations, penalties and enforcement.

Except as otherwise expressly provided, violations of this chapter shall be enforced according to the uniform procedures set out in Chapter 2.80. (Ord. 1502 § 4 (Exh. C), 2015: Ord. 1489 § 3 (Exh. A), 2015: Ord. 988 § 1 (part), 1994).