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ROBIN NEWCOMB

PUBLIC WORKS DIRECTOR
MATHEW BAILEY

POLICE CHIEF
RICH ALBO

FIRE CHIEF
ED MILLS

PLANNER
COLLEDA MONICK

Public Safety & Health Committee

AGENDA
April 16, 2025
2:00 PM



119 W FIRST STREET
CLE ELUM, WA 98922

MAYOR
MATTHEW LUNDH

MAYOR PRO TEM
STEVEN HARPER

PUBLIC SAFETY & HEALTH
COMMITTEE
CASSIDY BUECHLE-CURTIS
KEN RATLIFF - CHAIR
BETH WILLIAMS

CITY ATTORNEY
ALEXANDRA KENYON

Join Virtually with Zoom: <https://zoom.us/j/7573184018?pwd=dERndjBjVC9GdVQ1d2ISRExwZFhXZz09>
Meeting ID: 757 318 4018 Passcode: 98922

Join by Phone: 1-(253)215-8782, Meeting ID: 757 318 4018, Passcode: 98922

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DISCLAIMER: The City does not guarantee that virtual or telephonic access to the City Council meeting will be available and the City does not warrant audio quality. Attendees are encouraged to attend in-person.

1. **Call to Order/Pledge of Allegiance**
2. **Unfinished Business**
 - a. Municipal Code - Addressing (fire/police)
 - b. Cle Elum Municipal Code Chapter 2.15 Fire Department
3. **New Business**
 - a. Public Safety & Health Meeting Minutes Dated March 19, 2025
 - b. Ordinance 1696 Adopting a New Chapter 12.10 of the CEMC "Trespass Warnings on City Property"
4. **Other Committee Comments**
5. **Adjourn**

Upcoming Meetings:

Regular Council Meeting: April 22, 2025 @ 6:00 p.m.

General Government Committee Meeting: April 23, 2025 @ 8:30 a.m.

Coal Mines Trail Commission Meeting: May 5, 2025 @ 6:00 p.m.

Planning Commission Meeting: May 6, 2025 @ 6:00 p.m.

Public Works & Community Development Committee Meeting: May 7, 2025 @ 12:00 p.m.

Lodging Tax & Events Committee Meeting: May 14, 2025 @ 8:30 a.m.

Historic Preservation Commission Meeting: May 20, 2025 @ 3:00 p.m.

Public Safety & Health Committee Meeting: May 21, 2025 @ 2:00 p.m.

All- Attached is a first draft- very rough and simple- towards adding Addressing to our City code. Please take a look before tomorrow's meeting at 2pm. Specifically look at-

1. Is this draft going to the correct new chapter in our code?
2. Does it properly describe our two methods of addressing in the City? Should it be stated another way? Should there be more detail?
3. Are there errors in this draft?
4. What should be added?
5. This specifically puts the Council in charge of any changes- "after deliberations...", what do you think?

I doubt we will complete this at tomorrow's meeting, but this draft gives us a place to start.

See you tomorrow!

Ken



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Street Naming and House Numbering Systems

PAS Report 13

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1313 EAST 60TH STREET — CHICAGO 37 ILLINOIS

Information Report No. 13

April 1950

Street Naming and House Numbering Systems

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"Though fog or night the scene encumbers,
Why don't all buildings show their numbers
On lintel, wall or door?
Why can't a house say good and plenty,
'Hey look at me! I'm Nineteen-twenty,
The joint you're looking for!"

"Why can't our thoroughfares, our highways,
Our squares, our streets, our parks, our byways,
Have signs where all can see?
'I'm Lincoln Place.' 'I'm Pershing Corner.'
'I'm Avenue Ignatius-Horner.'
'I'm Boulevard Legree.'

"So, dwellings, mansions, roadways, alleys,
 As well as rivers, mountains, valleys
 And hamlets near and far
 Throughout this self-effacing nation,
 We really want the information;
 Please tell us who you are! "

— Arthur Guiterman

Problems of street naming and house numbering may confront planning commissions in relation to new subdivisions or new planned neighborhood developments or these problems may arise simply as a result from the difficulties that have come out of the accumulated inefficiencies of an outmoded system.

PLANNING ADVISORY SERVICE has recently received a number of inquiries on this subject.

No one would advocate designing a city or a subdivision along certain lines merely because it would be easy for the visitor or the delivery truck to locate persons and buildings. A well-planned community, with well-grouped major uses and service facilities, and with efficient means of intercommunication, is the primary concern of planners. However, once a street plan has been adopted by a community, with major and minor streets laid out, with feeder streets, and residential streets, and through highways and heavy traffic bearers, designed each according to its function, facilitating the use of these streets follows naturally. In part, the general attitude towards street naming and house numbering might be compared to that towards calendar reform; everybody is in favor of the reform, but such reform does not have top priority.

Correct as this attitude may be, it is unwarranted to dismiss street naming and house numbering systems as unimportant. Since planning in part is directed to providing rationality and order in community life, and in making communities more efficient and convenient, ease in locating places and facilities within a community should be encouraged.

This need has been recognized by citizen associations as well as official agencies. For example, the City Club of Chicago was instrumental in dramatizing the importance of clarifying the city's muddled street system. The first major attempt to systematize Chicago's street names was done in 1895; in 1913 and 1936 further clarification took place. The *Nashville Times* and *Nashville Banner* conducted a newspaper campaign in 1940 to reorganize the Nashville, Tennessee, naming and numbering procedure. Citizen support led to the formation of a special Joint Standing Committee on Ordinances on the Nomenclature of Streets in Boston in 1879 to recommend changes in that historic city's street naming policies — the recommendations made by the Commission at this early date contain some of the same general recommendations made today.

General Arguments for Adopting a Street Naming and House Numbering System

Many arguments may be advanced to justify the need for special funds for a study of existing practices in a community, or to justify a street naming and house numbering reorganization ordinance:

1. Unfavorable impression on visitors to the community if they have difficulty in finding places of interest and the businesses and persons they wish to see.
2. Expense to delivery services in routing and rerouting packages.
3. Difficulty in quick delivery of mail.
4. Loss of letters and goods, wrongly addressed.
5. Potential increase in traffic accidents by motorists intent on searching for correct address rather than on driving.
6. Difficulty in training civic employees in knowledge of the city, and the resultant disappointment by residents and visitors in the caliber of these employees and the government in general.
7. Subconscious feeling of estrangement toward community on the part of residents and visitors to the community.
8. Difficulty in emergency fire, ambulance and doctor access to correct address.
9. Difficulty in maintaining correct legal documents, such as those for licenses, vital statistics, deeds.

Agencies and Organizations that may be Helpful in Devising a Street Naming and House Numbering System

1. The local post office.
2. Local police department.
3. A retailers' association or large department stores.
4. Chamber of Commerce.
5. Better business associations, businessmen's associations such as Kiwanis, Rotary, etc.
6. Local Railway Express Company.
7. Real estate board, local home builder's association, subdividers of large tracts, abstract firms.

8. The local newspaper.
9. Regional office of the Federal Housing Administration.
10. Local civic groups.
11. Local utility companies.
12. Local medical society and health department.

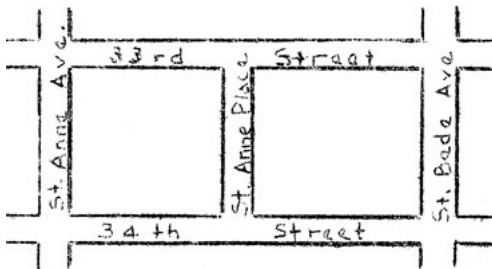
It is assumed that the street department, the city engineer, the department of public works, will be among the most interested municipal officials.

Possible Objections to a New System

Objections may be raised to changing street names and house numbers. These generally come from those business or professional firms that feel a close identification of their activities with their street address. Objections are also raised, particularly in some of the older areas, if it is believed historic names will be discarded, and that the municipality will thus lose some of its individuality. Also, some persons object to change per se, believing that if a previous system worked at a previous time, it should not be altered. The section on court decisions in this report discusses whether individuals have rights in maintaining existing street names.

General Recommendations:

1. No duplication of names or numbers. It is preferable not to have differentiation by a suffix "street" or "avenue." For example, "Washington Street" and "Washington Avenue" can too easily be confused, since often "avenue" and "street" are synonymous in the public mind. In some communities "place" is used to indicate a minor street closely associated with a major street — for example, "St. Anne Place" might be located a half block from "St. Anne Street." The suffix differentiation "place" is more defensible than the former example, since "place" generally connotes a subsidiary street, and because it more unusual that the ordinary suffixes, "street" and "avenue."



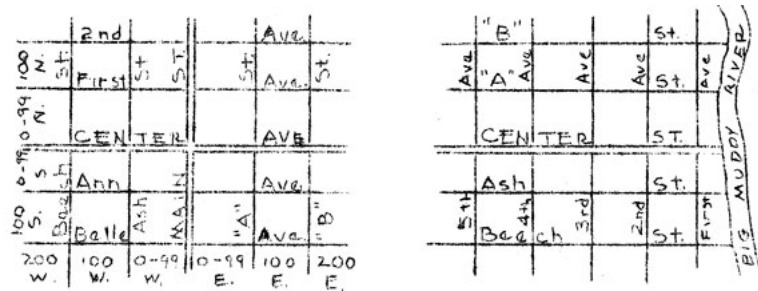
2. Continuation of a street name. A street should have one name only and should have the same name throughout its entire length. If the street is not a through street but is broken by intervening land uses and is laid out in substantially the same location at a more distant point, the same name should be used on all of the "links."



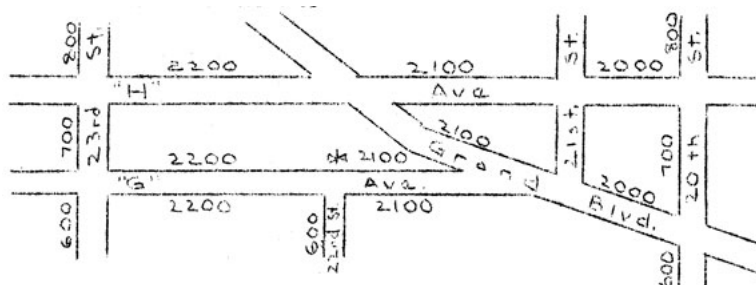
In some communities, if a street jogs sharply, the portion of the street running in the different direction is given another name.



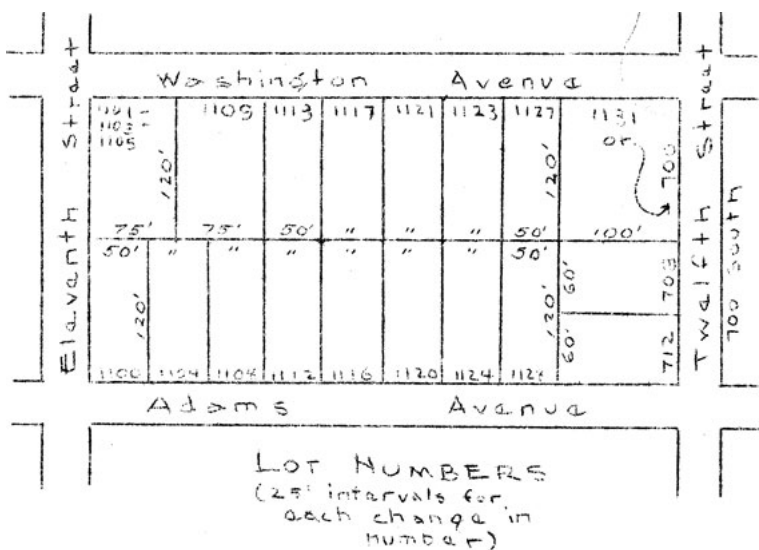
3. There should be base lines dividing the community into east, west, north and south sections. It is not imperative that the suffixes "east," "west," "north," and "south" be used if a continuous numbering system is used, and if there are not many through streets. However, if the numbers radiate from the base intersecting streets, and there are many through streets, it will be easier to have such suffixes.



4. Numbers on parallel streets should be comparable. If a parallel street does not originate at the same point as another street, the numbers should not begin with a low number but should begin with the same number on a parallel street measured from the base line.



5. Numbering should be uniform, based on street frontage. This should be done within blocks and between blocks.



6. Numbering should be consecutive.

7. Even numbers should always be on one side of the street, and odd on the other. Common practice is to place even numbers on the north and west sides of streets and odd numbers on the south and east sides of streets.

8. It is good practice to distinguish between size and importance of street, and direction of street, by terminology. For example, "street" might be used for east-west streets, and "avenue" for north-south streets, or vice-versa. Diagonal streets or heavy traffic bearers might be called "boulevard." State or federal routes might be called "highway." "Drive" might be used for scenic pleasure thoroughfares. Curvilinear streets might use "place," "road," "way," and "lane," etc. (The Committee on Terminology established by the American Society of Planning Officials may make recommendations for the use of these terms.)

Miscellaneous Considerations

Subdividers have found that there is greater "sales appeal" for houses on named streets, particularly if "romantic" names are used with suffixes such as "place," "road," "lane," than on numbered streets. For example, the home purchaser prefers to live on "Rose Lane" than on "72nd Street."

Natural barriers such as a river or lake front, a ridge, etc., or man-created barriers such as railroad tracks, often are useful "basing points" for street naming systems and house numbering systems, if these barriers are outstanding and bear a suitable relationship to the growth of the town.

The heart of the central business district is a good "basing point" for such systems. There may be a shift in the location of the central business district at a later date, but such shift should not cause disruption of the street naming system.

Central business district retailers' associations may be very much interested in seeing that the street naming and house numbering system radiates from the central business district. For example, in Chicago, Western Avenue and Madison Street were selected as the base lines for dividing the city into quadrants. The business interests in "The Loop" objected and were influential in establishing State Street and Madison Street as the dividing lines, even though that meant that there would be virtually no north-east quadrant of the city, due to the curve in Lake Michigan in that area.

In many communities, particularly in the Midwest, streets were laid out by law on the U. S. section lines. In some of these communities; the applicable regulations pertaining to the establishment of a gridiron street pattern have never been repealed. There also may be legal obstacles in establishing curvilinear street patterns or "super blocks" as well as perhaps some local street department reluctance to spoiling a gridiron street naming and numbering system.

Subdividers of large tracts have advised that street names be distinctive within a subdivision so that even though a visitor cannot immediately find an address on a curvilinear street, or in a cul-de-sac, he can immediately identify it as to its general location.

When a new street naming and numbering system is put into effect, it should be done completely at one time and not piecemeal over a period of time.

Presidents, states, famous women, famous army and military heroes, trees, famous men, cities, are favorite street name choices. Descriptive names such as "Lake," "Main," "Church" are also common. Historical names are often selected.

Streets may have interesting names which are in no way related to actual conditions, for example, a River Street may not be near any water, a Crooked Street may be straight, a Southport Avenue may not be close to a port. In Chicago, a Garfield Boulevard terminates at Washington Park, and a Washington Boulevard runs through a Garfield Park. It is not easy to select names, particularly for large cities. It was reported that London had approximately 5,350 street names, Paris 1,628, New York 5,003, Philadelphia 1,914, Baltimore 3,923, Cleveland 2,199, Detroit 2,262, and Chicago 1,360.

Communities requiring the posting of numbers often specify the type of lettering, size of numbers, etc. (See the Tucson, Arizona proposed ordinance in this report.) Some communities purchase these numbers, and others require the property owner to furnish them. Some communities paint or stencil the house number on the curb as well as requiring it on the house door itself.

Examples of Street Naming and House Numbering Systems

Tulsa, Oklahoma, is based on a grid with the basic line Main Street running north and south and the Frisco tracks running east and west. All the streets east of Main are named in alphabetical order for cities of the United States situated east of the Mississippi — Boston, Cincinnati, Detroit, Elgin, etc.; while all those lying west of Main are named for western cities — also in alphabetical order, such as Boulder, Cheyenne, Denver, etc. All the streets south of the Frisco tracks are named numerically in sequence — 1st, 2nd, 3rd, etc., while those north of the tracks are named after prominent Indians or pioneer citizens and arranged alphabetically — Archer, Brady, Cameron, and others. In all parts of the city, the house numbers start with the even hundred at each corner.

M. C. Shibley, City Engineer for Tulsa, reported in the *American City*, March, 1938, that:

"One can see at a glance what a simple problem it is to reach any desired number from any other part of the city. Suppose, for example, one wishes to go to 615 Cincinnati. Everyone knows Main Street, which is one of the principal business streets of the city. Cincinnati is an eastern city, therefore he knows that Cincinnati Street is the second block east of main. All the streets that are named numerically lie south of the Frisco tracks. Therefore, he knows that house number 615 is in the southern part of the city between 6th and 7th streets. All the house numbers on streets running north of the tracks have the prefix of the letter "N," thus making a clear distinction between 615 and N. 615. . . ."

An example of a small city that recently renumbered and renamed its streets, is that of DeQuincy, Louisiana, population approximately, 5,000. The old street system gave each addition or sub-addition to the city a code number which formed part of the house number; the block number also formed part of the house number as did the relative location of the house on the block (or actual house number). Thus, a

house located in a new subdivision, might have a house number such as 98562 although it was only one block distant from a house numbered 403. Also, under the old system, some streets had different names at different portions of their length, one street having three names. Ten streets had to be renamed, so that each would have the same name throughout its entire length.

After the revision, two streets were set up as basing points, Division Street running north and south, and Center Street running east and west. Now, all of the streets have a prefix designating north, east, south or west. At the point where Center and Division Streets intersect, and house numbers increase in size, the further the distance from these intersecting points. The streets are laid out in gridiron fashion.

Sturgeon Bay, Wisconsin, recently revised its street naming system: on the east side of the bay, which is the larger area, all north-south streets were assigned numerical names, beginning with "First Avenue," and the east-west streets were given geographical names (mostly states), beginning with "Alabama Street" and proceeding geographically to "Utah Street." On the west side of the bay, the north-south streets were given the names of cities, alphabetically arranged, and the east-west streets are named after trees.

Oshkosh, Wisconsin, prepared a new address system in 1949 which specified that all north-south streets should be called "Street," all east-west streets should be called "Avenue," all diagonal streets should be called "Drives," and all unrelated dead-end streets should be called "Courts." Rhinelander is another Wisconsin city that has adopted a new street naming and numbering system.

Henderson, Tennessee, adopted a new property numbering system in 1949 in which a grid was used and where there was a bend in the street, the numbering was continued as though the street was straight. An ordinance to provide for a uniform system of numbering in Jefferson City, Tennessee was published in *Community Planning in Tennessee*, a 1942 report of the Tennessee State Planning Commission.

The street-naming system of the metropolitan area of a city should be linked to the central city. A good example of a coordinated street naming pattern is in the vicinity of Washington, D. C.

The northeast Maryland suburbs falling within the area of the Maryland National Capital Park and Planning Commission adopted a street naming system in 1941, which is primarily a continuation of the street naming system of Washington, D. C. The base lines for the new system are North Capitol Street and East Capitol Street in Washington. These streets radiate north and east from the U. S. Capitol, and form the two inner boundaries of that city's northeast section. East from North Capitol are a series of numbered (north-south) streets which continue beyond the Washington, D. C. boundary into Maryland suburbs to numbers as high as 95th Avenue. North of East Capitol Street, the system consists of several zones of east-west streets arranged in alphabetical order. (1) A zone of streets named with letters of the alphabet, such as A Street, B Street, etc. (this is in Washington, D. C. only), (2) then alphabetized two-syllable names of famous Americans, such as Adams Street, and Bryant Street (this zone is located almost entirely in Washington, D. C., but some streets cross into Mount Rainier, Bladensburg, and Brentwood, Maryland.) (3) The next zone consists of alphabetized three-syllable names of famous Americans, such as Allison Street, Buchanan Street, etc., (these names are used in Northern Washington D. C., and in Hyattsville, Riverdale, and Edmonston, Maryland and vicinity.) (4) The next zone extending into Maryland contains the alphabetized names of colleges, Austin Road, Clemson Road, and so forth. (5) The next zone consists of alphabetized Indian names, such as Apache Street, Blackfoot Street, etc., and is in Maryland only.

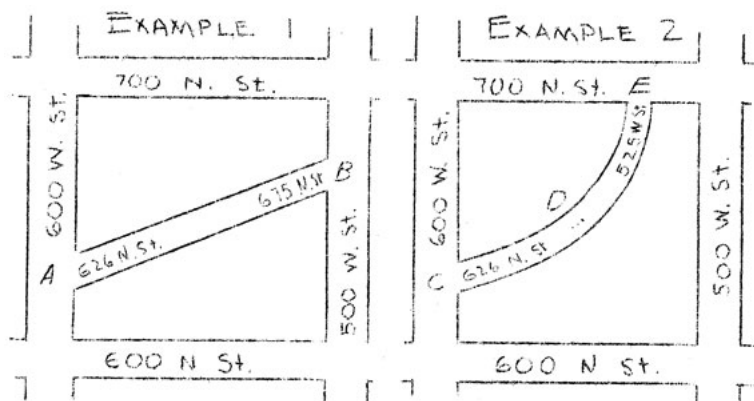
Monroe County, New York, at the request of the smaller municipalities within its area, undertook the job of eliminating duplication of street and road names, and of establishing a pattern of house numbering. Over two hundred duplicate names were discovered and eliminated. The new pattern was dovetailed into that previously established for Rochester, where numbers were formerly established on the basis of 15 feet per number. This was extended through the towns surrounding the central city, until all old subdivisions with lot frontages of less than 50 feet had been included. In the area of new subdivisions, where 50 foot lots have been required, the numbers were based on 50 feet intervals. Arterial highways originating in Rochester were given the same name for their entire length to the county line, and were given numbers on a continuous basis, the lower numbers nearer to the center of the town. Where incorporated villages had adopted another numbering system, the county numbering system was established so that the incorporated villages could join the county system when they chose to do so.

The Lyman or Salt Lake City System

The Lyman Uniform Street Numbering System was developed by Richard R. Lyman, a consulting civil engineer, and has been adopted by Salt Lake City and County, Utah, by St. George, Utah, and by Sacramento, California, among other cities, and was proposed by the Weber County-Ogden City Planning Commission. Some of the features of this plan have also been incorporated in Los Angeles, California

and Kansas City, Missouri. This system utilizes a grid, with base line streets dividing the city into east, west, north and south portions. Streets are given numbers, instead of street names, with an increase in the size of the numbers, the greater the distance from the base lines.

Curved and crooked streets, and other streets deviating from the basic grid pattern may fit into this pattern of street numbering. For example, in the illustration used below, which appeared in the *American City* in the issue of September 1942, an irregular street will have as many "number" names as necessary. In the first example, the diagonal street from point A to point B, is considered as an east-west street and is called 624 North Street at one end, and 675 North Street at the other (since the street originates on the even numbered side on one block and runs through to the odd numbered side on the other end of the block, the numbers differ accordingly). The residents would choose as a street address whatever street name was closest to their home. If this street were to be continued in a diagonal direction, it would have a new numbered name at each intersection, corresponding to its geographic location. In the second example, a street running from points C to D to E would be in part an east-west street, and in part, a north-south street, and would be numbered accordingly.

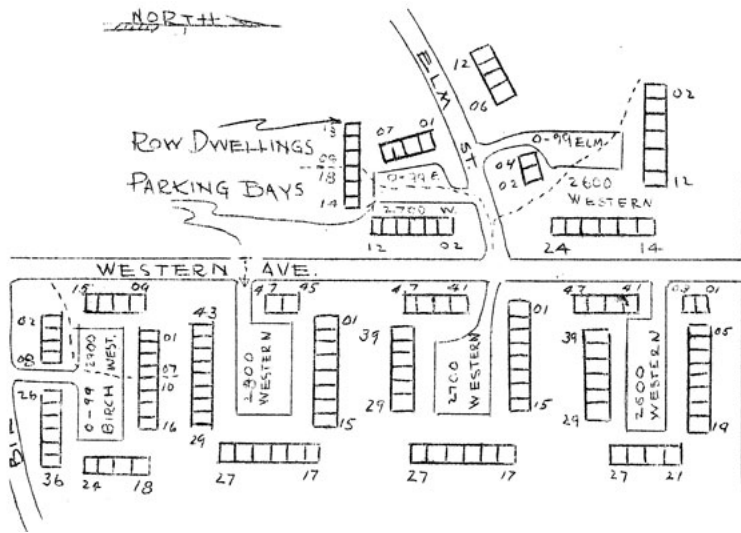


House Rural Numbering

In rural communities, it is suggested that numbers be based on fractions of a mile, indicating the distance not only from the point of origin of the road, but also from other properties along that road. In a system described in the *New York State Planning News* of June 8, 1949, it is proposed that the house numbers indicate the hundredths of a mile the property is located from the origin of the road. This system is geared to the automobile and the speedometer, since a motorist may locate a property by watching his mileage gauge. The numbers begin at the end of the road nearest the city, village, or post office, or where the road joins a more important highway. There would be a hundred units to each mile or about 53 feet to a unit. Since odd numbers are used on one side of the road, and even on the other, there should actually be numbers running from 1-200 for the first mile. The way the system is reported in the article, only numbers 1-100 are applicable for the first mile, evidently assuming that the area will not be so built up to require use of all the numbers. In an article in the February 1950 *American City*, numbers 1-999 are used for each mile section of the road, and since odd numbers are on one side and even on the other, a number can be assigned to each 10-1/2 feet of frontage and can thus be carried through built-up communities as well as the rural areas. This is the system that has been adopted by Fresno County, California. A base point was established in the City of Fresno, which is located approximately in the center of the county, and north-south, and east-west lines established, with one mile square sections marked off in grid fashion. In an example given, an address 6238 West Rural Road could be located by consulting a directory for the location of the Rural Road, and the property would be located a little more than 6.2 miles west of the base line.

Street Naming and House Numbering in New Subdivisions

An example of street naming and house numbering in a modern subdivision with a curvilinear street pattern is that of Park Forest, Illinois. In Park Forest, the new community development south of Chicago, one of the designation problems involved making a decision as to which of two streets to use in giving the unit an address. The buildings — row houses — are grouped around parking bays, and the units actually face neither street. The sketch shows how this and some of the other numbering problems were handled.



"An Ordinance Establishing A Uniform System For Numbering Buildings And Streets, Naming Streets, Establishing Base Streets and Designations For Numbering And Naming Purposes, Providing The Methods For Instituting Said System, And For The Enforcement Thereof.

"The Mayor and Council of the City of Tucson do ordain as follows:

"SECTION 1. There is hereby established a uniform system for numbering buildings fronting on all streets, avenues, and public ways in the City of Tucson, and all houses and other buildings shall be numbered in accordance with the provisions of this ordinance.

"SECTION 2. Speedway shall constitute the base line for numbering buildings along all streets running northerly and southerly; and Pioneer Boulevard, as hereinafter named and established, shall constitute the base line for numbering buildings along all streets running easterly and westerly.

"(1) Each building north of Speedway, and facing a street running in a northerly direction shall carry a number and address indicating its location north of said base street.

"(2) Each building south of Speedway, and facing a street running in a southerly direction shall carry a number and address indicating its location south of said base street.

"(3) Each building east of Pioneer Boulevard, and facing a street running in an easterly direction shall carry a number and address indicating its location east of said base street.

"(4) Each building west of Pioneer Boulevard, and facing a street running in a westerly direction shall carry a number and address indicating its location west of said base street.

"(5) All buildings on diagonal streets shall be numbered the same as buildings on northerly and southerly streets if the diagonal runs more from the north to the south, and the same rule shall apply on easterly and westerly streets if the diagonal runs more from the east to the west. All buildings on diagonal streets having a deviation of exactly forty-five (45) degrees, shall be numbered the same as buildings on northerly and southerly streets.

"SECTION 3. The numbering of buildings on each street shall begin at the base line. All numbers shall be assigned on the basis of one thousand (1000) numbers to each mile, or one thousand (1000) numbers between established section lines or the streets located thereon, and where practicable two numbers shall be assigned to each ten and fifty-six hundredths (10.56) feet of occupied frontage.

"SECTION 4.(a) All buildings on the right-hand side of each street running from the base street shall bear even numbers. All buildings on the left-hand side of each street running from the base street shall bear odd numbers.

"(b) Where any building has more than one entrance serving separate occupants, a separate number shall be assigned to each entrance serving a separate occupant providing said building occupies a lot, parcel, or tract having a frontage equal to 10.56' for each such entrance. If the building is not located on a lot, parcel, or tract which would permit the assignment of one number to each such entrance, numerals and letters shall be used, as set forth in Section 8 herein.

"SECTION 5. All buildings facing streets not extending through to the base line shall be assigned the same relative numbers as if the said street had extended to the said base line.

"SECTION 6. In addition to the numbers placed on each house or other building as heretofore provided, all streets, avenues, and other public ways within said city are hereby given numbers and directional symbols according to their distance and direction from the two base streets set forth in Section 2 herein.

"(a) All streets approximately parallel to and north of Speedway are given the direction North.

All streets approximately parallel to and south of Speedway are given the direction South.

All streets approximately parallel to and east of Pioneer Boulevard are given the direction East.

All streets approximately parallel to and west of Pioneer Boulevard are given the direction West.

"(b) East street shall bear a number or numbers corresponding with the one-tenth (1/10) of a mile in which said street is located at any given point. If said street is not parallel with either base street, then its number shall vary in the case of each address on said street according to the distance said address is from both base streets. Each house or other building in addition to the number or numbers given it under Section 4 herein shall also bear the number and direction of the street on which it is located.

"SECTION 7(a). The Mayor and Council shall cause the necessary survey to be made and completed within six (6) months from the date of the adoption of this ordinance and thereafter there shall be assigned to each house and other residential or commercial building located on any street, avenue, or public way in said city, its respective number under the uniform system provided for in this ordinance according to said survey. When the said survey shall have been completed and each house or building has been assigned its respective number or numbers; the owner, occupant, or agent shall place or cause to be placed upon each house or building controlled by him the number or numbers assigned under the uniform system as provided in this ordinance.

"(b) Such number or numbers shall be placed on existing buildings on or before the effective date of this ordinance, and within twenty (20) days after the assigning of the proper number in the case of numbers assigned after the effective date of this ordinance. The cost of the number or numbers shall be paid for by the property owner and may be procured either from the street superintendent at the unit price for the same, such price to be the cost of such units to the city, or from any other source. Replacement of numbers shall be procured and paid for by the owner. The numbers used shall be not less than three (3) inches in height and shall be made of a durable and clearly visible material. If the proper number is not placed on an existing building on or before the effective date of this ordinance, it shall be the duty of the superintendent of streets to install the proper number or numbers on said premises as hereinafter set forth, and to make a charge of five dollars (\$5.00) for each number so installed; which said charge shall become a lien against the premises on which said building is located, and shall be added to the city real estate tax on said premises for the ensuing year.

"(c) The numbers shall be conspicuously placed immediately above, on, or at the side of the proper door of each building so that the number can be seen plainly from the street line. Whenever any building is situated more than fifty feet from the street line, near the walk, driveway, or common entrance to such building and upon a gate post, fence, tree, post, or other appropriate place so as to be easily discernible from the sidewalk.

"SECTION 8. Where only one number can be assigned to any house or building, the owner, occupant, or agent of such house or building, who shall desire distinctive numbers for the upper and lower portion of any house or building, or for any part of any such house or building fronting on any street; such owner, occupant, or agent shall use the suffix (A), (B), (C), etc. as may be required.

"SECTION 9. For the purpose of facilitating a correct numbering, a plat book of all streets, avenues, and public ways within the city showing the proper numbers of all houses or other buildings fronting upon all streets, avenues, or public ways shall be kept on file in the office of the city superintendent of streets. These plats shall be open to inspection of all persons during the office hours of the superintendent. Duplicate copies of such plats shall be furnished to the engineer and building inspector by the city superintendent of streets.

"SECTION 10. It shall be the duty of the city superintendent of streets to inform any party applying therefore of the number or numbers belonging to or embraced within the limits of any said lot or property as provided in this ordinance. In case of conflict as to the proper number to be assigned to any building, the said superintendent shall determine the number of such building.

"SECTION 11. Whenever any house, building, or structure shall be erected or located in the City of Tucson after the establishment of a uniform system of house and building numbering has been completed, in order to preserve the continuity and uniformity of numbers of the houses, buildings, and structures, it shall be the duty of the owner to procure the correct number or numbers as designated from the city superintendent of streets for the said property and to immediately fasten the said number or numbers so assigned upon said building as provided by this ordinance. No building permit shall be issued for any house, building, or structure until the owner has procured from the superintendent of streets the official number of the premises. Final approval of any structure erected, repaired, altered, or modified after the effective date of this ordinance shall be withheld by the city building inspector until permanent and proper numbers have been affixed to said structure.

"SECTION 12. There is hereby established a uniform system of street naming in the City of Tucson, and all streets, avenues, and other dedicated public ways shall be named in accordance with the provisions of this ordinance.

"(a) All streets and other public ways running in the same direction and having a deviation of not more than 125 feet, shall carry the same name unless special circumstances make such a plan impracticable or not feasible.

"(b) All through east and west streets shall carry the designation 'street' and all through north and south streets shall carry the designation 'avenue,' except for thoroughfares on section lines.

"(c) All through thoroughfares running north and south on section lines shall be designated as 'boulevards.'

"(d) All through thoroughfares running east and west on section lines shall be designated as 'ways,' such as Speedway, Broadway, etc.

"(e) That part of any street ending in a 'dead-end,' or cul-de-sac, shall carry the designation 'place.'

"(f) The name 'lane' shall be used in any residential or business development for any north and south alley street which bisects or crosses a nominal block or series of blocks, and the name 'row' for any such east and west alley street.

"(g) Any street or portion thereof, running in a straight line for more than 500 feet, which moves at an angle of more than 20 degrees from a true north-south or east-west pattern, shall be designated, wherever practicable, as 'stravenue.'

"(h) Any street which curves in an irregular pattern to an extent that its east-west or north-south direction is changed, shall be designated as 'paseo.'

"(i) A short street that does not continue through, running east and west, shall be designated as 'calle.' Such a short street running north and south shall be designated as 'via.'

"(j) No street established or named after the adoption of this ordinance shall bear a name in a language in conflict with its destination.

"(k) The Mayor and Council may adopt further designations or any additional rules and regulations which may be required from time to time upon recommendations of the Planning and Zoning Commission by amending this section.

"SECTION 13. For the purpose of clarifying and systematizing the present street naming pattern in the City of Tucson and to implement the application of the matters set forth in Section 12 herein, there is hereby adopted the following plan.

"(a) The Planning and Zoning Commission of said city is hereby authorized to prepare and present to the Mayor and Council a complete plan for the naming of all streets, avenues, and public ways within said city.

"(b) Said Planning and Zoning Commission shall follow the general plan set forth in Section 12 herein and such other rules as are herein set forth.

"(c) If said Commission shall find an existing street now carrying more than one name, it shall recommend that said street shall bear the name under which it currently travels the longest distance both inside and outside of the city limits of said city unless circumstances indicate that another and different name would be desirable. Said Commission if it sees fit, may hold public hearings at which interested property owners may express their views concerning the changing of the name or names of any street.

"(d) For the purpose of establishing a north and south base street, for numbering and naming purposes, the present existing north and south First Avenue and the extensions thereof is hereby named and designated as Pioneer Boulevard and is hereby established as the north and south base street for the purpose of this ordinance.

"(e) The north and south bound streets west of said Pioneer Boulevard, which are named Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, and Sixteenth Avenues, are hereby renamed in a manner to be determined by the Mayor and Council upon recommendation of said Commission, so that the present conflict between numbered streets and numbered avenues is eliminated.

"SECTION 14. Every subdivision plat submitted to the Mayor and Council for their approval after the effective date of this ordinance shall bear upon its face the report of the Planning and Zoning Commission of the proper names of any and all streets, avenues, and public ways hereafter dedicated to public use within the jurisdiction of the Mayor and Council shall first be checked by the Planning and Zoning Commission as to their names under the provisions of this ordinance.

"SECTION 15. This ordinance and all house and building numbers assigned under the provisions thereof, and all street numbers and names established by said ordinance shall become effective one year from the date the Mayor and Council of said city shall by resolution accept and ratify the recommendations made by the Planning and Zoning Commission for the names of all streets, avenues, and public ways within said City, and shall determine that the superintendent of streets has completed the survey required by Section 7 of this ordinance.

"SECTION 16. The Mayor and Council by resolution may change, rename, or name an existing or newly established street within the limits of said city at any time after the adoption of this ordinance upon recommendation of the Planning and Zoning Commission, and after consultation with the Board of Supervisors, the County Planning Agency, and any other municipality directly affected thereby."

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Title 1

GENERAL PROVISIONS

Chapters:

(Add the following)

1.10 Addresses

Sections:

1.10.010 Street Addresses in the City of Cle Elum shall conform to this chapter. It is recognized that Cle Elum has two methods to assign addresses, as listed in this chapter.

1.10.020 FIRST METHOD. North – South addresses shall be numbered North and South from Railroad Street. Addresses in the first block north of Railroad Street shall be numbered with odd numbers on the left, even numbers on the right, beginning with 101 as the first address on the left, and (100 or 102) on the right. Addresses south of Railroad Street shall also have odd numbers on the left and even numbers on the right. This numbering system is the original numbering system for the City and shall be used east of the City Cemetery.

1.10.030 FIRST METHOD. East – West addresses shall be numbered East and West from Pennsylvania Avenue. Addresses in the first block west of Pennsylvania Avenue shall be numbered with odd numbers on the left, even numbers on the right, beginning with 101 as the first address on the left, and (100 or 102) on the right. Addresses east of Pennsylvania Avenue shall also have odd numbers on the left and even numbers on the right. This numbering system is also the original numbering system for the City and shall be used east of the City Cemetery.

1.10.040 SECOND METHOD. Areas of Cle Elum west of the City Cemetery, north of I-90 and south of Highway 903 shall be numbered using the “Kittitas County Method”, measured by meters from a road intersection to any parcel’s main driveway, with odd numbers on the left, and even numbers on the right. Numbers shall be assigned by the City.

1.10.045 City of Cle Elum South of the Yakima River. For the portion of Cle Elum south of the Yakima River, the Street naming and numbering shall conform with the Town of South Cle Elum’s naming and numbering system.

- 1.10.050** **STREET NAMES.** All streets named with a number (ie First Street, Second Street, etc.) shall be numbered consecutively by City Blocks, and shall be oriented in an easterly-westerly grid. All other streets shall have a unique name which cannot be confused with other street names in the portion of Kittitas County west of Thorp. All Street names must be approved and/ or assigned by the City.
- 1.10.060** **NON CONFORMING ADDRESSES.** The City Council, after deliberation, shall have the authority to change any nonconforming Street name or address in the City.

Chapter 2.15

FIRE DEPARTMENT

Sections:

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

2.15.010 Title.

The fire department organized under the provisions of this chapter shall be known as the Cle Elum fire department.

(Ord. 42 § 1, 1903)

2.15.020 Charter – Required.

Each company of the Cle Elum fire department as provided in this chapter shall receive a charter from the council signed by the mayor and clerk and sealed with the seal of the city. The charter shall give the names of the company, date of organization and names of its members. All names appearing on the charter shall be known as charter members of the “_____ Company.”

(Ord. 42 § 2, 1903)

2.15.030 Organization.

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

(Ord. 42 § 3, 1903)

2.15.040 Chief – Election and duties generally.

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

(Ord. 42 § 4, 1903)

2.15.050 Board of officers.

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

(Ord. 42 § 5, 1903)

2.15.060 Assistant chief.

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

(Ord. 42 § 6, 1903)

2.15.070 Command in absence of chief.

In the absence of the chief and assistant chief, the fire captain at the fire shall assume command.

(Ord. 42 § 7, 1903)

2.15.080 Chief – Removal.

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

(Ord. 42 § 8, 1903)

2.15.090 Chief – Fire warden.

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

(Ord. 42 § 9, 1903)

2.15.100 Charter – Names of members.

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

(Ord. 42 § 10, 1903)

2.15.110 Right of entry and appointment of special policemen.

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

(Ord. 113 § 1, 1909)

2.15.120 Right-of-way.

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

(Ord. 113 § 2, 1909)

2.15.130 False alarm prohibited.

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

(Ord. 113 § 3, 1909)

2.15.140 Penalty for violation.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined not exceeding one hundred dollars.

(Ord. 113, 1909)

2.15.150 Equipment use outside city authorized.

The mayor of the city, acting by and through the chief of the fire department, is authorized to dispatch and use the fire apparatus and equipment of the city, together with the fire department personnel operating the same, outside

of the corporate limits of the city, for the purpose of rendering assistance to neighboring communities and areas in the event of a threatening conflagration or other dire emergency. Under no circumstances shall such fire apparatus and equipment be dispatched outside of the city to such an extent as to deplete existing available equipment or leave the city without adequate fire protection.

(Ord. 577 § 1, 1962)

2.15.160 Mutual aid agreements authorized.

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

(Ord. 577 § 2, 1962)

2.15.170 Death and disability benefits – Authorized.

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

(Ord. 397 § 1, 1945)

2.15.180 Death and disability benefits – Enrollment.

The city clerk shall be the secretary-treasurer of the board of trustees created by said act and shall enroll each firemen under the death and disability provisions of said law.

(Ord. 397 § 2, 1945)

2.15.190 Number of members.

The volunteer fire department personnel of the city shall not at any time exceed thirty firemen for each one thousand of population, or fraction thereof of the city's population; provided, that at no time shall the membership of the fire department be less than fifteen firemen.

(Ord. 1489 § 1, 2018; Ord. 397 § 3, 1945)

The Cle Elum Municipal Code is current through Ordinance 1683, passed September 24, 2024.

Disclaimer: The city clerk's office has the official version of the Cle Elum Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited here.

[City Website: cityofcleelum.com](http://cityofcleelum.com)

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CLE ELUM PUBLIC SAFETY & HEALTH COMMITTEE

MINUTES

MARCH 19, 2025

12:00 PM

119 W FIRST STREET
CLE ELUM, WA 98922

1. Call to Order/Pledge of Allegiance

Cassidy Buechle-Curtis - present
Ken Ratliff - present
Beth Williams - present

Debbie Lee - Clerk
Ed Mills - Fire Chief
Rich Albo - Chief of Police

2. Elect Chair Person

MOTION: Committee Member Williams made a motion to nominate Ken Ratliff as the Chair of the Public Safety & Health Committee; seconded by Committee Member Buechle-Curtis.

MOTION CARRIED: 2 yes 1 no. (Committee Member Ratliff)

3. Unfinished Business

a. Municipal Code - Addressing (fire/police)

Discussion was had about how previous addressing had been done in the City. There was no organized system. Chief Mills and Committee Member Ratliff looked at all the inconsistencies with numbering. The Committee would like to establish a standard and use it moving forward, especially with the new developments that are potentially on the horizon. The Committee will have a study session on April 9, 2025, at 12:00 p.m. with all Committee Members, Public Works, the Police Chief and the Fire Chief. They will discuss how to address Bullfrog Flats and change the actual address that absolutely needs to be corrected.

4. New Business

a. Approve the Cle Elum Public Safety & Health Committee Meeting Minutes Dated November 19, 2024

MOTION: Committee Member Williams made a motion to approve the Public Safety & Health Committee Meeting Minutes Dated November 19, 2024; seconded by Committee Member Buechle-Curtis.

MOTION CARRIED: 3 yes 0 no.

Public Safety & Health Committee Agenda

March 19, 2025

119 W FIRST STREET
CLE ELUM, WA 98922

b. Cle Elum Municipal Code Chapter 2.15 Fire Department

Discussion was had about Title 2.15 Fire Department and that it needs updating to reflect the bylaws and match the job description of the Fire Chief. The Committee will discuss this update at the next meeting.

c. Interlocal Agreement Between Kittitas County and City of Cle Elum for Fire Investigative Services - Fire Chief Mills

This Interlocal agreement will put processes in place to have the County Fire Marshall available to the City of Cle Elum. Pay and mileage are among the defined criteria. City legal needs to review this Interlocal agreement. The Committee agreed that once the City Attorney approved the Interlocal agreement they would recommend it to the Council for approval. The last investigation was in 2019. Having an agreement in place will help the insurance ratings bureau.

MOTION: Committee Member Williams made a motion to recommend this to the Council for approval once City Legal has approved this Interlocal agreement; seconded by Committee Member Buechle-Curtis.

MOTION CARRIED: 3 yes 0 no.

d. Time for Future Meetings - Ken Ratliff

Discussion was had about changing the time of the Public Safety & Health Committee meetings to 2:00 p.m. This was approved by all that were attending the meeting.

5. Other Committee Comments

Discussion was had about the special event application and how Chief Mills would like to see the committee set a number of participants that would trigger this application. The committee agreed that the Police Chief and Fire Chief were the experts in this field and the committee feels that there are other factors that would trigger this application, not just the number of attendees.

The Law & Justice Committee (Ellensburg) Roster notes that Ken Ratliff is the representative from the City of Cle Elum. Ratliff will start attending these meetings, which are held once per month.

6. Adjourn

The meeting was adjourned at 1:05 p.m.

Ken Ratliff, Chair

Debbie Lee, Clerk

ORDINANCE 1696

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLE ELUM, WASHINGTON, ADOPTING A NEW CHAPTER 12.10 OF THE CLE ELUM MUNICIPAL CODE ENTITLED “TRESPASS WARNINGS ON CITY PROPERTY”; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City recognizes that members of the public have legitimate interests and rights regarding the use and enjoyment of City-owned or operated property, as well as certain rights protected by the United States Constitution and the Washington State Constitution and laws, including, but not limited to, the right to petition the government, the right to assembly, and the right to access sources of information; and

WHEREAS, there is a demonstrated need for the City to adopt a legally sound process for being able to exclude from City property individuals whose behavior is dangerous, unsafe, illegal, or unreasonably disruptive to other users; and

WHEREAS, the City desires to provide a specific method for the issuance of trespass warnings to such individuals, including placing limitations on trespass warnings and providing procedures for such individuals to promptly appeal the issuance of trespass warnings; and

WHEREAS, this Ordinance is enacted as an exercise of the City’s authority to protect and preserve the public health, safety and welfare, while recognizing the rights of individuals to engage in legitimate activities that may occur on City property; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of February 11, 2025;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLE ELUM, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. New CEMC Chapter 12.10 (Trespass Warnings on City Property), Adopted. A new Chapter 12.10 of the Cle Elum Municipal Code entitled “Trespass Warnings on City Property” is hereby adopted to read as set forth in Exhibit A attached hereto and by this reference fully incorporated herein.

Section 2. Severability. Should any section, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force and effect five days after publication.

ADOPTED BY THE CLE ELUM CITY COUNCIL AT A REGULAR MEETING
THEREOF ON THE ____ DAY OF _____, 2025.

CITY OF CLE ELUM

Matthew Lundh, Mayor

ATTEST/AUTHENTICATED:

Debbie Lee, City Clerk

Approved as to form:

Alexandra L. Kenyon, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Resolution No.:
Date Posted:

EXHIBIT A

CHAPTER 12.10 TRESPASS WARNINGS ON CITY PROPERTY

Sections:

- 12.10.010 Purpose, authority, and applicability.
- 12.10.020 Definitions.
- 12.10.030 Trespass warnings on city property.

12.10.010 Purpose, authority, and applicability.

A. The purpose of this chapter is to adopt a legally sound process for being able to exclude from city-owned or operated property individuals whose behavior is dangerous, unsafe, illegal, or unreasonably disruptive to other users. It is further the purpose of this chapter to provide for a specific method to allow for the issuance of trespass warnings to such individuals, including placing limitations on trespass warnings and providing procedures for such individuals to promptly appeal the issuance of trespass warnings in order to protect their right to engage in legitimate activities protected by the state and federal constitutions.

B. This chapter is enacted as an exercise of the city's authority to protect and preserve the public health, safety and welfare.

C. This chapter shall apply to all city property in the city of Cle Elum, which for the purposes of this chapter shall include, but not be limited to: city buildings and other facilities, outdoor areas, parks, unimproved property, open spaces, property that is under lease to or otherwise operated and/or controlled by the city, and any property that city owns in common with another property owner. This chapter shall not apply to public streets and sidewalks. Enforcement action shall only be taken for conduct violating rules adopted by the city for the location in which the conduct occurs, including any location covered by rules of conduct incorporated into any relevant city rule. Provided that officers of the Cle Elum police department may take enforcement action consistent with CEMC 12.10.030.A, based on violations of other city codes, state statutes, and government rules or regulations.

12.10.020 Definitions.

A. Behavior that is "dangerous" is behavior that creates an imminent and unreasonable risk of injury or harm to either persons or property of another or the actor.

B. Behavior that is "illegal" is behavior that is prohibited by the laws of the United States, Washington State, Kittitas County, or the city of Cle Elum and that includes, but is not limited to, any of the following types of behavior:

1. Threatening another person by communicating either directly or indirectly to another person the intent to cause bodily injury in the future to the person threatened or to any other person; or
2. Selling or using alcohol or drugs; or
3. Threatening or harassing behavior (e.g., fighting or threatening to fight, brandishing a weapon, stalking, verbally threatening to harm others or their property); or
4. Assaulting staff or other patrons; or
5. Sexual misconduct or harassment (e.g., indecent exposure, offensive touching, sexual acts).

C. Behavior that is “unreasonably disruptive to other users” is behavior that is not constitutionally protected and that, in consideration of the nature, scope, use and purpose of the property in question, unreasonably interferes with others’ use and enjoyment of said property. Examples of behavior that may unreasonably interfere with others’ use and enjoyment of city property include, but are not limited to, any of the following:

1. Use of unreasonably hostile or aggressive language or gestures; or
2. Unreasonably loud vocal expression or unreasonably boisterous physical behavior; or
3. Using electronic or other communication devices in a manner that is unreasonably disruptive to others; or
4. Unreasonably interfering with the free passage of staff or patrons in or on city property; or
5. Behavior that is unreasonably inconsistent with the use for which the city property was designed and intended to be used (e.g., bathing, shaving, or washing clothes in a public bathroom or skateboarding in a public parking area or plaza).

D. Any constitutionally protected action or speech is excluded from the prohibited behavior listed in this section.

12.10.030 Trespass warnings on city property.

A. The Mayor, or his/her designee, shall be empowered to issue a trespass warning to any individual who the officer has probable cause to believe has violated any city ordinance, state statute, or government rule or regulation, relating to or prohibiting conduct that is dangerous, illegal, or unreasonably disruptive to other users of city property, as defined in CEMC 12.10.020, while such individual is on or within any city property, as more specifically set forth in CEMC 12.10.010.C.

B. Trespass warnings may be delivered in person to the offender or by first class mail to the offender at the offender's last known address.

C. The offender need not be charged, tried, or convicted of any crime or infraction in order for the trespass warning to be issued or be effective. The warning may be based upon observation by a police officer or a city or other government employee or may be based upon a civilian report that would ordinarily be relied upon by police officers in the determination of probable cause.

D. If the offender:

1. Has not been excluded from city property by a trespass warning issued within one year prior to the violation, then the warning may exclude the offender for a period not exceeding 30 days from the date of the warning.
2. Has been the subject of only one prior trespass warning issued within one year prior to the current violation, then the warning may exclude the offender for a period of not more than 90 days from the date of the current warning.
3. Has been the subject of two or more prior trespass warnings issued within one year prior to the current violation, then the warning may exclude the offender for a period of not more than one year from the date of the current warning.
4. Has been excluded from city property by a trespass warning, and a published rule or regulation applicable to such property establishes a different period of time for an offender to be excluded, the time period under such rule or regulation shall apply notwithstanding the provisions of subsections (D)(1) through (3) of this section.

E. The trespass warning shall be in writing, shall contain the date of issuance, shall describe the behavior that is the basis for the trespass warning, shall specify the length and place(s) of exclusion, shall be signed by the issuing police officer, and shall state the consequences for failure to comply. A trespass warning for a place or places shall not prohibit access to another place or places that is unrelated to or not a part of the place where the conduct that is the subject of the trespass warning occurred.

F. Administrative Appeal.

1. A person receiving a trespass warning for an exclusion of seven days, or longer, may file an appeal to have the trespass warning rescinded or the duration of the exclusion shortened.
2. The appeal must be in writing, provide the appellant's current address, and shall be accompanied by a copy of the trespass warning that is being appealed.
3. The written notice of appeal must be sent to the Mayor and postmarked no later than seven calendar days after the issuance of the trespass warning.

4. The trespass warning shall remain in effect during the pendency of any administrative appeal or judicial proceeding.

G. Hearing on Appeal.

1. The Mayor or his/her designee (hereinafter “hearing official”) shall:
 - a. Notify the appellant of the hearing date, time, and location;
 - b. Conduct a hearing within thirty calendar days of receipt of the notice of appeal; and
 - c. Issue a ruling upholding, rescinding, or shortening the duration of the exclusion set forth in the trespass warning no later than five business days after the hearing.
2. The hearing official may consider a sworn report or a declaration under penalty of perjury as authorized by RCW 9A.72.085, written by the officer who issued the trespass warning or by the person upon whose observation the trespass warning was based, without further evidentiary foundation, as prima facie evidence that the offender committed the violation as described. This evidence creates a rebuttable presumption that the violation occurred and the burden thereafter rests with the appellant to overcome the presumption. Such sworn reports or declarations may be considered either in addition to or in lieu of the live testimony of the officer who issued the trespass warning or by the person upon whose observation the trespass warning was based.
3. The hearing official shall consider the trespass warning and may consider any written or oral sworn testimony of the appellant or witnesses, as well as pictorial or demonstrative evidence offered by the appellant that the hearing official considers relevant and trustworthy. The hearing official may consider information that would not be admissible under the evidence rules in a court of law.
4. The hearing official may issue subpoenas for the attendance of witnesses and the production of documents, and shall administer individual oaths to witnesses. The hearing official shall not issue a subpoena for the attendance of a witness at the request of the appellant unless the request is accompanied by the fee required by RCW 5.56.010 for a witness in district court. The appellant shall be responsible for serving any subpoena issued at the appellant’s request.
5. If, after the hearing, the hearing official is persuaded on a “more probable than not” basis that the violation did occur, the trespass warning shall be upheld. For good cause, or upon a satisfactory showing by appellant that he or she understands his or her violation and will not repeat the violation, the hearing official may shorten the duration of the exclusion set forth in the trespass warning. If, however, the violation is not proved on a “more probable than not” basis, then the hearing official shall rescind the trespass warning. If the hearing official rescinds a trespass warning, the trespass warning shall not be considered a prior exclusion for purposes of this chapter. For

purposes of this section, “good cause” to rescind, shorten or modify a trespass warning shall be found where:

- a. The appellant demonstrates to the satisfaction of the hearing official or his/her designee that his or her conduct was intended to be expressive conduct protected by the First Amendment; or
 - b. The appellant was not given prior warning that the conduct in question was subject to a trespass warning; or
 - c. The trespass warning was based solely upon the statement of a third party, was not observed personally by the issuing officer or a city or other government employee, would not ordinarily be relied upon by police officers in the determination of probable cause, and the appellant claims that he or she did not commit the action for which he or she was warned; or
 - d. In the judgment of the hearing official, the circumstances warrant a modification or rescission of the trespass warning. The hearing official shall rescind the trespass warning if, considering all the circumstances, he or she finds that reasonable minds could differ on the question of whether the conduct in question was unreasonably disruptive to others on the same city property at that time.
6. The decision of the hearing official is final.
 7. In no event will the hearing official be a person who is subordinate to the person who issued the trespass warning.

H. If the hearing official rescinds an exclusion, for good cause or because the violation was not proved, the exclusion shall not be considered a prior trespass warning for purposes of subsection (D) of this section.

I. No determination of facts made by the hearing official shall have any collateral estoppel effect on a subsequent criminal prosecution or civil proceeding and shall not preclude litigation of those same facts in a subsequent criminal prosecution or civil proceeding.

J. This section shall be enforced so as to emphasize voluntary compliance with laws and city property rules and so that inadvertent minor violations that would fall under this section can be corrected without resort to a trespass warning.

K. Any person who is found on city or other publicly owned property in violation of a trespass warning issued in accordance with this chapter for a period longer than seven days and who accordingly has had the right to a hearing regarding the trespass warning may be arrested for trespassing and is guilty of a misdemeanor, which shall be punishable by a fine of up to \$1,000 and/or imprisonment for a term not to exceed 90 days.

L. The Mayor or his/her designee may upon request authorize an individual who has received a trespass warning in accordance with this chapter to enter city property to exercise his or her First Amendment rights or to conduct government business, if there is no other reasonable alternative location to exercise such rights or conduct such business. Such authorization must be in writing and specify the duration of the authorization and any conditions thereof.

M. The decision of the hearing official will be the city's final decision.