

0006.90000  
WSS/gjz  
12/30/09  
R:1/7/10gjz  
R:1/12/10nkr

**ORDINANCE NO. 3778**

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF CHAPTER 19.00 TO ADD A NEW SECTION 19.00.040 EXCLUSION OF CHURCHES PROVIDING EMERGENCY HOUSING FOR THE INDIGENT FROM CERTAIN REQUIREMENTS, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

---

WHEREAS, emergency housing for indigent persons is an historic component of the exercise of religion; and

WHEREAS, the City is required under the provisions of the Washington State and United States Constitutions as well as Federal law to permit the free exercise of religion and to be flexible in its approach to an otherwise neutral provision which may have the indirect effect of adversely impacting or prohibiting religious exercise; and

WHEREAS, the State Building Code RCW 19.27.060(3) permits the City to exclude certain classes of uses from coverage under the Code so long as such exclusion does not involve single-family and multi-family uses; and

WHEREAS, the City Council deems it to be in the public interest to exclude churches, synagogues, mosques and other religious buildings from the State Building Code sprinkler requirements and any other minimum building code requirement which would otherwise attach to a change in use in certain limited situations; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO  
ORDAIN AS FOLLOWS:

Section 1. The Edmonds Community Development Code Chapter 19.00 is hereby amended by the addition of a new Section 19.00.040 Excluding Nonconforming Religious Buildings From Certain Requirements to read as follows:

**19.00.040 Excluding nonconforming religious building from certain requirements.**

Existing legal nonconforming churches, synagogues, mosques and other buildings use for religious observance (hereinafter “church” or “churches”) are hereby excluded from any requirement of the State Building Code which would be triggered by a change of use as specifically limited and set forth herein:

1. This change in use exclusion is limited solely to a change in use for the provision of emergency housing to the homeless and other indigent persons. The term “emergency” shall mean to the housing of indigent and homeless persons when the ambient temperature is forecast by the National Weather Service to be below 33 degrees for a four-hour overnight period or when wind chill, violent storms or other inclement conditions present a direct threat to the lives of homeless and other indigent persons without shelter. Such danger could include, but is not limited to, the threat presented by carbon monoxide poisoning for persons attempting to take shelter in cars or other vehicles with the motor running.
2. In order to claim this exclusion, a church shall:
  - a. Be a legal nonconforming structure prior to the provision of emergency housing for the homeless and indigent. In the alternative, a church may establish that it has previously provided overnight housing to members of its congregation or the public in emergencies, for educational, religious or other purposes.
  - b. Maintain a “fire watch.” The term “fire watch” shall mean the maintenance during all times when indigent housing services are provided of a watch by paid staff or volunteers who shall, on premises, monitor for fires or violations of no smoking prohibitions. At least one fire monitor shall be provided for each eight persons housed.

- c. Provide an operational smoke detection system.
- d. Prohibit the smoking of tobacco or similar products on the premises and prohibit the use of any open flame in the area in which the homeless or indigent persons are temporarily housed.
- e. Maintain clear and unobstructed means of egress. Exits must not be locked in the direction of egress unless a special egress control device is installed in accordance with the Building Code.

3. The application of this exclusion is intended to fulfill the City's obligation to provide flexibility and consider reasonable alternatives in the application of the rigid requirements of the State Building Code. The Building Official is directed to avoid technical inflexibility, to consider the use of any reasonable alternative which would provide the minimum protections required either under the State Building Code or this exclusion and to be flexible when considering alternative approaches to the specific requirements set forth above. All decisions by the Building Official shall be in writing and articulate the public interest to be served as well as an analysis of the alternatives.

4. These provisions are for the purpose of providing for and promoting the health, safety and welfare of the general public. See Chapter 19.00 Limitation of Benefitted and Protected Classes.

Section 2. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect immediately.

APPROVED:

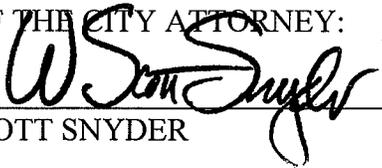
  
\_\_\_\_\_  
MAYOR GARY HAAKENSON

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY

  
W. SCOTT SNYDER

FILED WITH THE CITY CLERK: 01-15-2010  
PASSED BY THE CITY COUNCIL: 01-19-2010  
PUBLISHED: 01-24-2010  
EFFECTIVE DATE: 01-19-2010 (\*See note below)  
ORDINANCE NO. 3778

\*Note: Section 2 of the Ordinance states that the Ordinance is effective immediately.

**SUMMARY OF ORDINANCE NO. 3778**

of the City of Edmonds, Washington

---

On the 19th day of January, 2010, the City Council of the City of Edmonds, passed Ordinance No. 3778. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF CHAPTER 19.00 TO ADD A NEW SECTION 19.00.040 EXCLUSION OF CHURCHES PROVIDING EMERGENCY HOUSING FOR THE INDIGENT FROM CERTAIN REQUIREMENTS, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 20th day of January, 2010.

  
\_\_\_\_\_  
CITY CLERK, SANDRA S. CHASE

# Affidavit of Publication

STATE OF WASHINGTON,  
COUNTY OF SNOHOMISH

} S.S.



**SUMMARY OF ORDINANCE NO. 3778**  
of the City of Edmonds, Washington

On the 19th day of January, 2010, the City Council of the City of Edmonds, passed Ordinance No. 3778. A summary of the content of said ordinance, consisting of the title, provides as follows:  
AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF CHAPTER 19.00 TO ADD A NEW SECTION 19.00.040 EXCLUSION OF CHURCHES PROVIDING EMERGENCY HOUSING FOR THE INDIGENT FROM CERTAIN REQUIREMENTS, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.  
DATED this 20th day of January, 2010.

CITY CLERK, SANDRA S. CHASE

Published: January 24, 2010.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance

No. 3778

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

January 24, 2010

and that said newspaper was regularly distributed to its subscribers during all of said period.

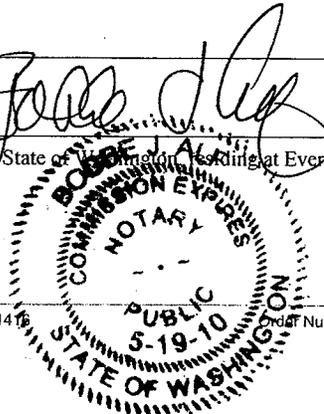
*Jody Groll*

Principal Clerk

Subscribed and sworn to before me this 25th

day of January, 2010

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.



RECEIVED

FEB 02 2010

EDMONDS CITY CLERK