

## ORDINANCE NO. 3814

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING A NEW CHAPTER 17.105 ECDC TO DEFINE EMERGENCY TEMPORARY HOMELESS SHELTER AND IDENTIFY ZONING DISTRICTS WHERE THEY ARE PERMITTED, REPEALING ORDINANCE NOS. 3730, 3769 AND 3794, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

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WHEREAS, the City Council adopted Ordinance No. 3730 permitting the temporary change in use of certain buildings to house indigent persons under certain conditions, and affirming the City Council's commitment to support public and nonprofit agencies in providing needed services to indigent persons and to allow for a compliance permitting process for exemptions to State Building Code; and

WHEREAS, the City Council also adopted Interim Ordinance No. 3769, which was further extended by Ordinance No. 3794 , defining certain words as applied to temporary homeless shelters regulations and identifying zoning districts where temporary homeless shelters may be sited; and

WHEREAS, the City of Edmonds Planning Board, after holding a public hearing, recommended adoption of the instant ordinance codifying the above referenced ordinances with minor revisions and modifications; NOW, THEREFORE,

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

Section 1. Adopted. A new Chapter 17.105 of the Edmonds Community Development Code (ECDC) entitled Emergency Temporary Indoor Shelter is hereby adopted to read as follows:

**Chapter 17.105**  
**Emergency Temporary Indoor Shelter**

**Sections:**

- 17.105.000 Intent.**
- 17.105.010 Definitions.**
- 17.105.020 Temporary change in use.**
- 17.105.030 Zoning districts where permitted.**

**17.105.000 Intent.**

The city is committed to support public and nonprofit agencies to safely provide needed emergency temporary indoor shelters to indigent persons and to allow for a compliance permitting process for exemptions to State Building Code as set forth in RCW 19.27.042, WAC 51-16-030 and ECDC 19.00.040. No provision in any ordinance adopted by the city shall be applied or interpreted to prohibit an emergency temporary homeless shelter when the same or equivalent is specifically allowed under state or federal law, rule or regulation under similar circumstances, or to impose any condition to the approval thereof that is specifically prohibited under the same.

**17.105.010 Definitions.**

The following definitions shall apply to this Chapter:

- A. "Emergency temporary homeless shelter" shall be defined as short-term residence for a group of people at a permanent building's indoor facility that is organized by a sponsor with services provided by a sponsor.
- B. "Short-term" shall be defined as fourteen days or less during any consecutive thirty-day period.
- C. "Sponsor" shall be defined as a community based organization that is a public agency or nonprofit corporation / organization, and that fulfills its mission, in part, by organizing living accommodations for the homeless.

**17.105.020 Temporary change in use.**

- A. Pursuant to RCW 19.27.042, WAC 51-16-030 and ECDC 19.00.040 the character of use or occupancy of an existing building located in the City of Edmonds may be temporarily changed in order to provide emergency temporary homeless shelter for

indigent persons without conforming to all of the requirements of the State Building Code; PROVIDED that the proponent of an exemption applies and is approved for a compliance permit for the proposed exemption, and complies with conditions thereto.

B. Compliance permits for exemptions shall be reviewed and approved by the City's Building Official (or designee), in consultation with the City's Fire Marshal (or designee), as a Type I action based on the following guidelines:

1. Any code deficiencies to be exempted pose no threat to human life, health, or safety;
2. The building is owned or administered by a public agency or nonprofit corporation; and
3. The proposed emergency temporary homeless shelter for indigent persons is less hazardous than the existing use.

C. The City's Building Official and Fire Marshal (or designees) shall consider the requirements and exclusions for nonconforming religious buildings in ECDC 19.00.040 when reviewing and approving an application for compliance permits for exemptions.

D. A compliance permit for an exemption shall be valid for no more than 180 days, except that the City's Building Official, in consultation with the Fire Marshal or his designee, may approve a renewal based on the same guidelines as the initial permit. As a condition of approval, a building for which a compliance permit for exemption is issued shall not be used as an emergency temporary homeless shelter for more than fourteen days during any consecutive thirty-day period. Failure to comply with any condition of approval shall be cause to suspend or revoke the permit.

**17.105.030 Zoning districts where permitted.**

Emergency temporary homeless shelters shall be permitted as a primary or secondary use at all zoning districts where Churches or any kind of Local Public Facilities are permitted as primary uses.

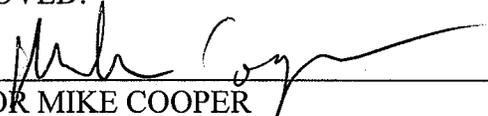
Section 2.     Repealed. The new Chapter 17.105 ECDC is the codification, with minor revisions and modifications, of Ordinance No. 3730 and Interim Ordinance No. 3769, as extended by Ordinance No. 3794, and it is intended to replace them. Ordinance No. 3730 and

Interim Ordinance No. 3769, as extended by Ordinance No. 3794, are, therefore, hereby repealed.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 4. Effective Date. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

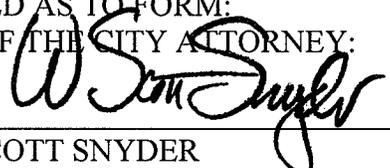
APPROVED:

  
\_\_\_\_\_  
MAYOR MIKE COOPER

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:	10/29/2010
PASSED BY THE CITY COUNCIL:	11/01/2010
PUBLISHED:	11/07/2010
EFFECTIVE DATE:	11/12/2010
ORDINANCE NO. <u>3814</u>	

**SUMMARY OF ORDINANCE NO. 3814**

of the City of Edmonds, Washington

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On the 1<sup>st</sup> day of November, 2010, the City Council of the City of Edmonds, passed Ordinance No. 3814. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING A NEW CHAPTER 17.105 ECDC TO DEFINE EMERGENCY TEMPORARY HOMELESS SHELTER AND IDENTIFY ZONING DISTRICTS WHERE THEY ARE PERMITTED, REPEALING ORDINANCE NOS. 3730, 3769 AND 3794, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

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

DATED this 2nd day of November, 2010.

  
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CITY CLERK, SANDRA S. CHASE

# Affidavit of Publication

STATE OF WASHINGTON,  
COUNTY OF SNOHOMISH

} S.S.



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The full text of this Ordinance will be mailed upon request.  
DATED this 2nd day of November, 2010.

CITY CLERK, SANDRA S. CHASE

Published: November 7, 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. 3814

Adopting a New Chapter 17.105 ECDC

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:

November 07, 2010

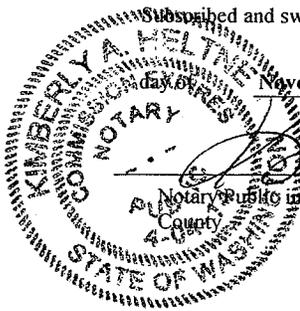
and that said newspaper was regularly distributed to its subscribers during all of said period.

Principal Clerk

Subscribed and sworn to before me this

8th

day of November, 2010



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

RECEIVED

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EDMONDS CITY CLERK