

ORDINANCE NO 1326

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON RELATING TO TEMPORARY HOMELESS ENCAMPMENTS, ASSURING THE HEALTH, SAFETY AND WELFARE OF BOTH THE RESIDENTS OF SUCH ENCAMPMENTS AND THE CITIZENS OF THE CITY OF LACEY AND AMENDING SECTIONS 16.06.372, 16.06.374, 16.06.671, 16.64.010 – 16.64.030, 16.64.050 – 16.64.080, AND ADDING SECTION 16.64.100, ALL OF THE LACEY MUNICIPAL CODE AND ADOPTING A SUMMARY FOR PUBLICATION.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1: The City Council hereby makes the following findings of fact in support of the Homeless Encampment Ordinance:

- A. In April 2008 the City of Lacey adopted Ordinance 1307. That ordinance amended the City's zoning code.
- B. The Western Washington Growth Management Hearings Board subsequently ordered the City to hold an additional public hearing concerning the proposed zoning ordinance amendment. The City Planning Commission held a public hearing on January 20th.
- C. The Planning Commission recommended that encampments be permitted both inside existing church buildings as well as outside in tent encampments, whichever the hosting church prefers.
- D. Encampments are alternative forms of housing that offer less privacy than more traditional forms. Encampment residents must be 18 years of age at minimum. School students are traditionally 18 years of age at maximum. Residents and students alike may be distracted by the close proximity of any encampment to a school.

Section 2: Section 16.06.372 of the Lacey Municipal is hereby amended to read as follows:

16.06.372 Homeless Shelter Encampment. "Homeless Shelter Encampment" means a temporary encampment, hosted permanent building existing as of the date of this ordinance and used by a religious organization to provide temporary housing shelter for homeless persons.

Section 3: Section 16.06.374 of the Lacey Municipal is hereby amended to read as follows:

16.06.374 Host Agency. "Host Agency" means a religious organization that owns or has a leasehold interest in property to be used for a temporary homeless shelter encampment that makes an application for a Temporary Use Permit for providing basic services and support to temporary homeless shelter encampment residents.

Section 4: Section 16.06.671 of the Lacey Municipal is hereby amended to read as follows:

16.06.671 Religious Organization. "Religious Organization" means organizations and institutions developed for the purposes of religious exercise and considered protected under The Religious Land Use and Institutionalized Persons Act (RLUIPA). Particularly relevant in the context of this ordinance is a religious organization whose religious activities and beliefs typically include providing basic needs such as homeless encampments, shelters, meals, and assistance to the poor and needy.

Section 5: Section 16.64.010 of the Lacey Municipal Code is hereby amended to read as follows:

16.64.010 Who May Apply. Homeless ~~shelters~~ encampments shall be permitted only as an accommodation of religious exercise by a Host Agency. Each Host Agency shall apply for a permit under this Section and shall certify compliance with all applicable requirements for approval and conditions of this Chapter and the application.

Section 6: Section 16.64.020 of the Lacey Municipal Code is hereby amended to read as follows:

16.64.020 Applicable Procedures. A Homeless ~~Shelter~~ Encampment Permit is an administrative determination as identified in section 1C.030 (Limited Administrative Review) of the City of Lacey Development Guidelines and Public Works Standards. In addition to the requirements for administrative determinations found in Section 1C.030 of the Development Guidelines and Public Works Standards the following additional procedures apply:

- A. Advance Notice Required. The Host agency shall notify the City of the proposed homeless ~~shelter~~ encampment a minimum of thirty 30 days in advance of the proposed date of establishment for the homeless ~~shelter~~ encampment. The advance notification shall contain the following information:
 1. Date: The date the homeless ~~shelter~~ encampment intends to begin operation;
 2. Length: The length of time expected for operation;
 3. Residents: The maximum number of residents proposed;
 4. Location: The host location;
 5. Host Name: The name of the Host Agency; and
 6. Site Plan: The location, dimensions, and layout of the ~~shelter~~ encampment on site.
- B. North Thurston Public Schools Notified. Upon receipt of an application the Director shall send a copy of the application to the administrative offices of the North Thurston Public Schools for its review and consideration.
- C. Public Meeting Required. The Host Agency shall conduct at least one (1) public information meeting within or as close as possible to the neighborhood where the proposed homeless ~~shelter~~ encampment will be located. The meeting shall be held a minimum of 14 days prior to the issuance of the temporary use permit. The time and location of the meeting shall be agreed upon between the City and Host Agency. All property owners and all organizations, businesses, or persons that lease/rent property within 300 feet of the proposed homeless ~~shelter~~ encampment site shall be notified by

the Host Agency a minimum of 14 days in advance of the meeting. Notification may be by mail, phone, or personal contact.

- D. Signs Required. In addition to the notification described above, the applicant shall provide notice of the application by posting two signs or placards on the site, or in a location immediately adjacent to the site, that provide visibility to motorists using adjacent streets. Timing for placing signs shall coincide with other notification requirements described above. The Director of Community Development shall establish standards for size, color, layout, design, placement, and timing of installation and removal of the signs or placards.
- E. ~~Plan for Tracking-Reporting Transition Results:~~ Included in the application shall be a plan for tracking-reporting the results of transitioning residents to permanent housing. The plan shall provide for a ~~comprehensive review of how long residents needed to use the camp for housing and when residents graduated to permanent housing or left the camp for other temporary housing, who has resided at the shelter, how long each resident used the shelter, when each resident left the shelter, and why each resident left the shelter—~~ whether for permanent housing, for other temporary housing, or for a different reason. The intent shall be to have this information to consider the success of the encampment track the effectiveness of the shelter in handling resident's' housing needs on a temporary basis and providing a hand up for the purpose of finding more permanent housing opportunities. This information may be used by the Council in considering the longevity and continuation of the Homeless Shelter Ordinance.

Section 7: Section 16.64.030 of the Lacey Municipal Code is hereby amended to read as follows:

16.64.030 Requirements for Approval. The Community Development Director or designee may issue a temporary and revocable permit for a homeless ~~shelter-encampment~~ subject to the following criteria and requirements:

- ~~A. Compliance with Building Codes: A Homeless Shelter shall comply with the requirements of the City's adopted building codes. However, pursuant to RCW 19.27.042, the Building Official shall have authority to exempt code deficiencies so long as such deficiencies pose no threat to human life, health, or safety.~~
- A. Site Criteria:
 - 1. Ownership: The Host Agency shall submit documentation that it owns or has a leasehold interest in the subject building-property.
 - 2. Size: The building-property must be sufficient in size to accommodate the residents and, for outside encampments, must have necessary on site facilities including but not limited to the following:
 - a. ~~Adequate water supply~~Food tent and host tent;
 - b. Sanitary toilets in the number required to meet capacity guidelines;
 - c. Hand washing facilities by the toilets and by any food areas; and
 - d. Refuse receptacles ~~and;~~
 - e. ~~Kitchen facilities for food preparation.~~
 - 3. Water Source: The Host Agency shall provide an adequate water source to the homeless encampment as approved by the City.

3. ~~Health: All necessary sanitary facilities shall be provided. All applicable health standards for providing such facilities, and for use of such facilities, shall be satisfied as required by the Health department.~~
4. Sensitive Areas: No homeless shelter encampment shall be located within a sensitive or critical area or its buffer as defined under Title 14 of the LMC.
5. Permanent Structures: No new permanent structures shall be constructed for the homeless shelter encampment.
6. Limitation on Residents: No more than 40 residents shall be allowed. The City may further limit the number of residents as site conditions dictate.
7. Parking: Adequate on site parking shall be provided for the homeless shelter encampment. No off site parking will be allowed. Parking space for the number of vehicles used by homeless shelter encampment residents and staff shall be provided. If the homeless shelter encampment is located on a site with another use, it shall be shown that the homeless shelter encampment will not create an undue shortage of on site parking for the other use(s) on the property.
8. Public Transportation: Whenever possible, the homeless shelter encampment should be located within a quarter (1/4) mile of a bus stop with service seven (7) days per week. If not located within a quarter mile of a bus stop, the Host Agency must demonstrate the ability for residents to obtain access to the nearest public transportation stop (such as carpools or shuttle buses).
9. Distance Requirements to sensitive land uses: Because a homeless shelter encampment is a non traditional living arrangement and therefore provides less privacy and more complex living arrangements than traditional homes, a distance requirement that provides visual separation and buffering from other sensitive land use activities is considered appropriate. To satisfy this concern, no shelter shall be permitted within 300 feet of a licensed child daycare facility or any public or private pre-school or elementary, middle, or high school. However, in the event that a daycare or school is located within the property of a potential Host Agency, this requirement may be waived by the Director if the owner of the daycare or school principal agrees to the waiving of the distance requirement.

B. Security:

1. Operations and Security Plan: An operations and security plan for the homeless shelter encampment shall be submitted to the City at the time of application.
2. Code of Conduct: The Host Agency shall ensure that the homeless shelter encampment has an enforceable code of conduct. A copy of the Code of Conduct shall be submitted to the City at the time of application, and shall be in substantially the following form or address the following issues:
 - a. Drugs – possession or use of illegal drugs is not permitted;
 - b. Alcohol – no alcohol is permitted;
 - c. Weapons – no weapons are permitted;
 - d. Knives – all knives with blades over 3 and 1/2 inches must be turned in to the on duty responsible person at the entry/host tent for safekeeping;
 - e. Violence – no violence is permitted;
 - f. Fires – no open flames are permitted. An exception may be made for propane heating or other similar appliance if approved by the fire marshal;

- g. Trespassing – no trespassing into private property in the surrounding neighborhood is permitted;
 - h. Loitering – no loitering in the surrounding neighborhood is permitted;
 - i. Littering – no littering on the Homeless Encampment site or in the surrounding neighborhood is permitted.
3. In addition to the above standards, the Host Agency may adopt and enforce additional Code of Conduct conditions not otherwise inconsistent with this Section.
- C. Accommodating the homeless encampment residents indoors. In cases where the Host Agency and the camp residents determine it is practical or necessary to accommodate the camp inside existing church structures, the church shall have the option of making such a request to the City. Upon receiving a request to host the camp inside of existing buildings, the Community Development Director or designee may issue a temporary and revocable permit for an indoor encampment subject to the following criteria and requirements:
- 1. Compliance with Building Codes: An indoor encampment shall comply with the requirements of the City’s building codes. However, pursuant to RCW 19.27.042, the Building Official shall have the authority to exempt code deficiencies so long as such deficiencies pose no threat to human life, health, or safety.
 - 2. Building Criteria: The buildings proposed for use shall be of sufficient size to accommodate the residents and must have necessary on site facilities including but not limited to the following:
 - a. Adequate water supply;
 - b. Sanitary toilets in the number required to meet capacity guidelines;
 - c. Hand washing facilities by the toilets and food areas;
 - d. Refuse receptacles; and
 - e. Kitchen facilities for food preparation.
 - f. All applicable health standards for providing and using such facilities shall be satisfied as required by the Health Department,

Section 8: Section 16.64.050 of the Lacey Municipal Code is hereby amended to read as follows:

16.64.50 Requirements upon approval.

- A. Sign Agreement: All homeless ~~shelter~~ encampment residents must sign an agreement to abide by the Code of Conduct. Failure to do so shall result in the noncompliant resident's immediate and permanent expulsion from the property.
- B. Log: The Host agency shall keep a log of all people who stay overnight in the ~~shelter~~ encampment. The log shall include names, birth dates, and dates of stay. Logs shall be kept a minimum of 6 months.
- C. Identification: The Host agency shall require verifiable photo ID of prospective and current ~~shelter~~ encampment residents. Acceptable forms of ID include a driver’s license, government issued identification card, military identification, or passport. Replacement of lost ID can be facilitated through an appropriate advocacy center. Photo ID is necessary to verify ones identity and to apply for services, housing, and employment. If

- verifiable photo ID cannot be obtained, the individual must agree to be fingerprinted or will not be admitted to the camp.
- D. Warrant and Sex Offender Status Check: The Host Agency shall engage the Lacey Police Department to use the photo identification to check for outstanding in-state and out-of-state warrants and registered sex offender status. When necessary, the Lacey Police Department will provide fingerprinting services. The Lacey Police Department shall provide background checks and fingerprinting services at no charge to the Host Agency.
1. Outstanding Warrants – if said warrant check reveals an existing or outstanding warrant from any jurisdiction in the United States, the Host Agency will immediately report the finding to the Lacey Police Department for apprehension of the subject individual.
 2. Sex Offender Status – if the check reveals the applicant to be a registered sex offender, the individual shall not be admitted to the camp.
- E. ~~Shelter~~ Security: The Host Agency shall ensure the ~~shelter~~ encampment is secure and managed to strictly prohibit alcohol, drugs, weapons, fighting, abuse of any kind, littering, or disturbing the neighbors while located on the property. As necessary, the Lacey Police Department will be available to enforce state and local laws.
- F. Entrance/Host Tent: The Host Agency shall ensure there is an entrance/host tent that is manned 24 hours a day 7 days a week. The entrance may be staffed by a volunteer, ~~shelter~~ encampment resident, Host Agency Committee member, or other responsible person.
- G. On Call Committee Member: The Host Agency will appoint an executive committee member to serve on call and be available for the entrance person at all times. The on call committee member shall be available to provide help and assistance to the person manning the entrance as may be necessary to ensure the ~~shelter~~ encampment functions properly.
- H. Enforcement: The on duty responsible person staffing the entrance shall notify the on call Committee member as necessary in the enforcement of ~~shelter~~ encampment rules and expectations, and/or the Lacey Police Department as necessary to enforce local and state laws. Said responsible person shall also serve as a point of contact for the Lacey Police Department, and will orient the Department as to how the entrance operates. The names of the on duty responsible person(s) will be posted daily at the entrance. The City shall provide contact numbers of non emergency personnel which shall be posted at the entrance.
- I. Visitors: Visitors to the ~~shelter~~ encampment must meet the following procedures and requirements:
1. Visitors to the ~~shelter~~ encampment must be invited by a resident and must be able to show picture ID.
 2. Visitors must be accompanied by the resident that invited the visitor while at the ~~shelter~~ encampment.
 3. Visitors may be at the ~~shelter~~ encampment only between the hours of 9:00 AM and 10:00 PM.
 4. Visitors may not stay overnight unless they get permission from the host and complete the same background check requirements as required for residents.
- J. Age Restrictions: Residents of the ~~shelter~~ encampment ~~and all visitors~~ must be at least 18 years of age. No minors are permitted entrance to the ~~shelter~~ encampment **UNLESS**

they are related to a camp resident. Minors related to a camp resident may visit the encampment during the day.

Section 9: Section 16.64.060 of the Lacey Municipal Code is hereby amended to read as follows:

16.64.060 Fire Safety and Health. Tent encampments shall meet the following fire, safety, and health requirements:

- A. Fire Safety. The homeless encampment shall conform to the following requirements:
1. Open fires: Within individual tents there shall be no open fires for cooking or heating;
 2. Heating appliances: No heating appliances within the individual tents are allowed;
 3. Cooking: A common tent may provide community cooking facilities and services for the camp, but only if approved by the Host Agency and the Health Department. No cooking appliances are allowed within individual tents of residents;
 4. Fire extinguishers: an adequate number and appropriate rating of fire extinguishers shall be provided as approved by the Fire Department;
 5. Emergency Access: Adequate access for fire and emergency medical apparatus shall be provided. This shall be determined by the Fire Marshall.
 6. Separation: Adequate separation between tents and other structures shall be maintained as determined by the Fire Marshall; and
 7. Electrical Service: Electrical service shall be in accordance with recognized and accepted practice. Electrical cords are not to be strung together and any cords used must be approved for exterior use.
- B. Health. All necessary sanitary facilities including temporary outhouses/port a potties and facilities for hand washing shall be provided. All applicable health standards for providing and using such facilities shall be satisfied as required by the Health department.
- C. **Access for Inspections.** The Host Agency shall permit inspections by City staff and the Thurston County Health Department to ensure compliance with the conditions of this permit. Inspections shall occur at reasonable times, and may occur without prior notice.

Section 10: Section 16.64.070 of the Lacey Municipal Code is hereby amended to read as follows:

16.64.70 Limitations.

- A. Shelter-Duration: The use of a building as a duration of the homeless shelter encampment shall not exceed ninety (90) days.
- B. Shelter-Parcel Limitation: No Host Agency shall operate host a homeless shelter encampment more than one time in any 12 month period, beginning on the date the homeless shelter encampment locates on a parcel of property.
- C. Number Limitation: No more than one (1) homeless shelter encampment may be located in the City at any time.

Section 11: Section 16.64.080 of the Lacey Municipal Code is hereby amended to read as follows:

16.64.080 Revocation. Upon determination that there has been a violation of any approval criteria or condition of application or that the Host Agency has failed to take action against a resident who violates the terms and conditions of the permit or has committed violence, the Director of Community Development may give written notice to the permit holder describing the alleged violation. Within 14 days of the mailing of notice of violation, the permit holder shall show cause why the permit should not be revoked. At the end of the 14 day period, the Director shall sustain or revoke the permit. When a Temporary Homeless Shelter Encampment permit is revoked, the Director shall notify the permit holder by certified mail of the revocation and the findings upon which the revocation is based. Appeals of decisions to revoke a Temporary Homeless Shelter Encampment permit shall be to Thurston County Superior Court.

Section 12: There is hereby added to the Lacey Municipal Code a new Section, 16.64.100, to read as follows:

16.64.100 Emergency Shelters. The provisions of this Ordinance shall not apply to emergency or cold weather shelters where the screening of individuals to be temporarily housed in such shelters is conducted by the Emergency Shelter Network or a religious organization providing the emergency shelter.

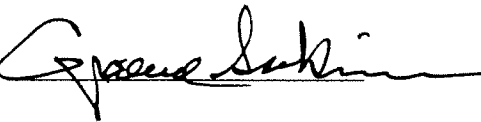
Section 13: Severability. If any section, subsection, sentence, clause, phrase, or other portion of this Ordinance, or its application to any person, is for any reason declared invalid in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

Section 14: Longevity. This ordinance shall be in effect for a duration of one year after adoption and shall terminate thereafter. Prior to termination the Council may decide to review how the location of a camp in the City has worked and any impacts that might have been identified. Based upon the Council's review and findings it may decide to continue this ordinance and re-adopt it or let it expire.

Section 15: The Summary attached hereto is hereby approved for publication.

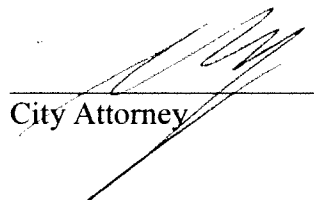
PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON, at a regularly-called meeting thereof, held this 12th day of
March, 2009.

CITY COUNCIL


By: 

Mayor

Approved as to form:


City Attorney

Attest:


City Clerk

SUMMARY FOR PUBLICATION

ORDINANCE 1326

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on March 12, 2009, Ordinance No. 1326, entitled "AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON RELATING TO TEMPORARY HOMELESS ENCAMPMENTS, ASSURING THE HEALTH, SAFETY AND WELFARE OF BOTH THE RESIDENTS OF SUCH ENCAMPMENTS AND THE CITIZENS OF THE CITY OF LACEY AND AMENDING SECTIONS 16.06.372, 16.06.374, 16.06.671, 16.64.010 – 16.64.030, 16.64.050 – 16.64.080, AND ADDING SECTION 16.64.100, ALL OF THE LACEY MUNICIPAL CODE AND ADOPTING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are described as follows:

1. The Ordinance amends the Lacey Municipal Code to enable qualifying religious institutions to temporarily host "Homeless Encampments" on their property, either inside or outside, thereby furthering a religious institution's ability to minister to the homeless population.
2. The Ordinance approves this Summary for Publication.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: March 16, 2009.