

ORDINANCE NO. 1410

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON RELATING TO TEMPORARY HOMELESS ENCAMPMENTS, RE-ADOPTING SECTIONS 16.06.372, 16.06.374, 16.06.671, AND 16.64.010 – 16.64.100 AS THE SAME WERE ADDED OR AMENDED BY ORDINANCE NOS. 1307 AND 1326, FURTHER AMENDING SECTIONS 16.64.030 AND 16.64.070 AND ADOPTING A NEW SECTION 16.64.110, ALL OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, in 2008, the Lacey City Council adopted a homeless encampment ordinance, and

WHEREAS, that ordinance was subsequently amended in 2009 and readopted in 2010, and

WHEREAS, that ordinance provided that it would be in effect for one year subject to further action by the Council and said year has expired, and

WHEREAS, homeless encampments have been successful in providing temporary shelter for homeless persons and have had minimal impacts on areas where they have been located, and

WHEREAS, the City Planning Commission has reviewed the homeless encampment ordinance and has recommended certain amendments to improve the ordinance, and

WHEREAS, the Council finds that the amendments contained in this ordinance support the health, safety, and welfare of the citizens of the City of Lacey.

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

Section 1. Sections 16.06.372, 16.06.374, 16.06.671, and 16.64.010 – 16.64.100 are hereby re-adopted as the same are set forth at length in Ordinance Nos. 1307 and 1326 and now codified in the designated sections of the Lacey Municipal Code.

Section 2. The title of Chapter 16.64 of the Lacey Municipal Code shall be changed from “Homeless Shelters” to “Homeless Encampments.”

Section 3. 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 encampment subject to the following criteria and requirements:

A. Site Criteria:

1. Ownership: The Host Agency shall submit documentation that it owns or has a leasehold interest in the subject property;
2. Size: The 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) 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.
3. Water Source: The Host Agency shall provide an adequate water source to the homeless encampment as approved by the City.
4. Sensitive Areas: No homeless encampment shall be located within a sensitive or critical area or its buffer as defined under LMC Title 14.
5. Permanent Structures: No new permanent structures shall be constructed for the homeless 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 encampment. No off site parking will be allowed. Parking space for the number of vehicles used by homeless encampment residents and staff shall be provided. If the homeless encampment is located on a site with another use, it shall be shown that the homeless 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 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. Screening: The homeless encampment shall be adequately buffered and screened to be site obscuring from adjacent right of way and residential properties. Screening shall be a minimum height of six (6) feet and may include, but is not limited to, a combination of fencing, landscaping, or the placement of the homeless encampment behind buildings. The type of screening shall be approved by the City.

10. Privacy for Sanitary Facilities: All sanitary portable toilets shall be screened from adjacent properties and rights of way. The type of screening shall be approved by the City and may include, but is not limited to, a combination of fencing and/or landscaping.

11. Distance Requirements to sensitive land uses: Because a homeless 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 encampment shall be submitted to the City at the time of application.

2. Code of Conduct: The Host Agency shall ensure that the homeless encampment has an enforceable code of conduct which, at a minimum, prohibits alcohol, non-prescribed drugs, weapons, violence, and open fires. The code of conduct should also address any other issues related to camp and neighborhood safety. 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;~~
- ~~e) 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 4. Section 16.64.070 of the Lacey Municipal Code is hereby amended to read as follows:

16.64.070 Limitations

A. Duration: Duration of the homeless encampment shall not exceed ~~ninety (90)~~ one hundred and eighty (180) days.

B. Parcel Limitation: No Host Agency shall host a homeless encampment more than one time in any 12-month period, beginning on the date the homeless encampment locates on a parcel of property.

C. Number Limitation: No more than one (1) homeless encampment may be located in the City at any time.

Section 5. There is hereby added to the Lacey Municipal Code a new section, 16.64.110, to read as follows:

16.64.110 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 6. 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 14th day of
February, 2013.

CITY COUNCIL

By: Veij C. Low Ruan

Mayor

Approved as to form:

As [Signature]
City Attorney

Attest:

Carol Litten
City Clerk

SUMMARY FOR PUBLICATION

ORDINANCE NO. 1402

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on February 14, 2013, Ordinance No. 1402, entitled "AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON RELATING TO TEMPORARY HOMELESS ENCAMPMENTS, RE-ADOPTING SECTIONS 16.06.372, 16.06.374, 16.06.671, AND 16.64.010 – 16.64.100 AS THE SAME WERE ADDED OR AMENDED BY ORDINANCE NOS. 1307 AND 1326, FURTHER AMENDING SECTIONS 16.64.030 AND 16.64.070 AND ADOPTING A NEW SECTION 16.64.110, ALL OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are described as follows:

1. The Ordinance readopts the Homeless Encampment Ordinance with amendments to certain camp rules and to the time allowed for an encampment to remain at a particular location, increasing said time from 90 to 180 days.
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: February 18, 2013.