

**CITY OF NORMANDY PARK  
ORDINANCE NO. 936**

**AN ORDINANCE OF THE CITY OF NORMANDY PARK, WASHINGTON, ADDING DEFINITIONS TO NPMC 18.08; AMENDING THE LAND USE CHART IN NPMC 18.10.060 TO INCLUDE TEMPORARY HOMELESS ENCAMPMENTS; ADDING A NEW NPMC CHAPTER 18.110 ESTABLISHING PROCEDURES AND APPROVAL CRITERIA FOR TEMPORARY HOMELESS ENCAMPMENTS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, some religious organizations in Washington have sponsored encampments as a temporary, stop-gap solution to the problem of homelessness; and

**WHEREAS**, in 2010 the Washington state legislature enacted RCW 35.21.915 in order to provide guidance to cities in regulating temporary homeless encampments and in order to limit the types of regulation that may be imposed; and

**WHEREAS**, the City of Normandy Park's insurer has recommended that the City enact an ordinance providing for the issuance of temporary use permits for homeless encampments in the event that any such use is proposed to be located in the City; and

**WHEREAS**, the Normandy Park City Council desires to enact this ordinance in order to set forth the requirements for the issuance of a temporary use permit to an applicant wishing to host a homeless encampment.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORMANDY PARK, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Definitions.** The following definitions are added to the cited sections of NPMC Chapter 18.08:

A. NPMC 18.08.080 is amended to include the following definition:

"Host Agency" means a religious organization that owns or controls real property that is the subject of an application for a Temporary Homeless Encampment Permit.

B. NPMC 18.08.180 is amended to include the following definition:

"Religious organization" means the federally protected practice of a recognized religious assembly, school or institution that controls real property that is the subject of an application for a Temporary Homeless Encampment Permit.

C. NPMC 18.08.190 is amended to include the following definition:

“Sponsoring Agency” means the Host Agency or another agency that assists the Host Agency and that joins in an application for a Temporary Homeless Encampment Permit and assumes responsibility for providing basic services and support to temporary homeless encampment residents, such as hot meals and coordination of other needed donations and services.

D. NPMC 18.08.200 is amended to include the following definition:

“Temporary homeless encampment” means a temporary encampment for homeless persons on property owned or controlled by a religious organization, whether within buildings located on the property or elsewhere on the property outside of buildings.

**Section 2. Permitted Uses.** The Land Use Chart in NPMC 18.10.060 is amended to include the following line and footnote:

LAND USE	ZONING DISTRICTS								
	R-20	R-15	R-12.5	R-7.2	R-5	RM-2400	RM-1800	MU	NC
Temporary homeless encampments	p <sup>23</sup>				p <sup>23</sup>	p <sup>23</sup>		p <sup>23</sup>	p <sup>23</sup>

23 See Chapter 18.110, Temporary Homeless Encampments.

**Section 3. Regulations.** A new NPMC Chapter 18.110 is added to read as follows:

**CHAPTER 18.110**  
**TEMPORARY HOMELESS ENCAMPMENTS**

**18.110.010 Purpose.**

**18.110.020 Application for Temporary Homeless Encampment Permit.**

**18.110.030 Requirements for Approval and Operation.**

**18.110.040 Revocation of Permit.**

**18.110.010 Purpose.**

The purpose of this chapter is to regulate homeless encampments within the City of Normandy Park in compliance with the requirements of RCW 35.21.915. The standards and requirements in this chapter are the minimum necessary to protect the public health and safety and do not substantially burden the decisions or actions of religious organizations regarding the location of housing or shelter for homeless persons on property owned by such religious organizations.

**18.110.020 Application for Temporary Homeless Encampment Permit.**

A. A Temporary Homeless Encampment is an allowed use only on property owned or controlled by a religious organization that is acting as either the Host Agency or the Sponsoring Agency, or both, for the Temporary Homeless Encampment.

B. An application for a Temporary Homeless Encampment Permit shall be submitted to the City Manager or his designee on a form approved by the City Manager. The application shall contain, at a minimum, all of the following information:

1. The name, address, and telephone number of the Host Agency, and the telephone number and e-mail address for a designated representative of the Host Agency; and

2. The name, address, and telephone number of the Sponsoring Agency, and the telephone number and e-mail address for a designated representative of the Sponsoring Agency; and

3. The proposed location of the Temporary Homeless Encampment and information as to whether the Temporary Homeless Encampment will be located inside a building or outside a building on property owned or controlled by the Host Agency; and

4. The date on which Temporary Homeless Encampment is proposed to move onto the proposed location and the date on which the Temporary Homeless Encampment is proposed to vacate the proposed location; and

5. The maximum number of residents proposed; and

6. A site plan showing the proposed location of the facilities required by NPMC 18.110.030; and

7. A statement demonstrating how the Temporary Homeless Encampment will meet the requirements of NPMC 18.110.030.

C. The application for a Temporary Homeless Encampment Permit must be accompanied by an application fee established by resolution of the City Council. The application fee shall be based on actual costs associated with the review and approval of the application. The application shall not be considered complete unless and until the application fee is paid.

D. An application for a Temporary Homeless Encampment Permit must be filed at least thirty days before the date on which the Temporary Homeless Encampment is proposed to move onto the proposed location, provided, that the City Manager may agree to a shorter period in the case of an emergency beyond the control of the Host Agency and Sponsoring Agency.

E. An application for a Temporary Homeless Encampment Permit shall be processed as a Type I Temporary Use Permit under NPMC 18.150.

F. The City Manager shall coordinate review of the Temporary Homeless Encampment permit with appropriate City staff and with other appropriate public agencies, including but not limited to, Public Health - Seattle & King County and the Burien-Normandy Park Fire Department. The City Manager may issue the Temporary Homeless Encampment Permit if the application demonstrates that

1. All of the requirements of NPMC 18.110.030 are met; and
2. The Temporary Homeless Encampment will not be materially injurious to the public health, safety, and welfare or materially injurious to the property or improvements in the immediate vicinity.

G. Decisions of the City Manager granting, granting with conditions, or denying a Temporary Homeless Encampment Permit shall be subject to appeal as provided in NPMC 18.150 for Type I permit decisions.

**18.110.030 Requirements for Approval and Operation.**

A. A Temporary Homeless Encampment must meet all of the following requirements in addition to any other requirements imposed by this chapter:

1. The property or building must be of sufficient size to accommodate the proposed number of tents and residents and the on-site facilities required by this section.
2. Adequate provision must be made for the provision of drinking water, disposal of human waste, disposal of garbage and other solid waste, and the provision of other services, including, but not limited to, the following facilities:
  - a. Sanitary portable toilets or other restroom facilities in the number required to meet health regulations for the residents and staff of the Temporary Homeless Encampment; and
  - b. Hand washing stations by the toilets or restrooms and by food service areas; and
  - c. Refuse receptacles meeting the requirements of the City's solid waste hauler; and

d. A food service tent or other food service building or facility meeting health department requirements; and

e. A management tent or other management office or facility providing administrative and security services and readily identifiable to residents and visitors.

3. The Temporary Homeless Encampment shall meet all setbacks for the zoning district in which the property is located, provided, that where the Temporary Homeless Encampment abuts property containing residential uses, the Temporary Homeless Encampment shall be set back twenty feet from the property line or the minimum setback provided in the NPMC, whichever is greater.

4. A six-foot tall sight obscuring fence shall be provided around the perimeter of the Temporary Homeless Encampment unless the City Manager determines that there is sufficient vegetation, topographic variation, or other site conditions to provide equivalent screening of the use from adjacent properties.

5. Any and all exterior lighting for the Temporary Homeless Encampment shall meet the requirements of the zoning district in which the property is located.

6. The maximum number of residents within a Temporary Homeless Encampment shall not exceed 100.

7. Parking for at least five (5) vehicles shall be provided.

8. No children under the age of 18 shall be allowed in the Temporary Homeless Encampment. If a child under the age of 18 attempts to reside at the Temporary Homeless Encampment, the Sponsoring Agency or the Host Agency shall immediately contact Child Protective Services.

9. No animals shall be permitted in the Temporary Homeless Encampment, except for service animals.

10. The Sponsoring Agency and/or the Host Agency shall submit a code of conduct for the Temporary Homeless Encampment and a statement describing how the code of conduct will be enforced. The code of conduct shall, at a minimum, contain the following:

a. A prohibition on the possession or use of illegal drugs or alcohol.

b. A prohibition on the possession of guns, knives with blades in excess of three inches, and weapons of all kinds.

- c. A prohibition on violence.
- d. A prohibition on open flames.
- e. A prohibition on trespassing into private property in the surrounding neighborhood.
- f. A prohibition on loitering in the surrounding neighborhood.
- g. Hours during which quiet is to be observed.

11. A transportation plan must be submitted by the Sponsoring Agency and/or the Host Agency providing for access to transit. All Temporary Homeless Encampments must be located within one-half mile of transit service.

12. The Temporary Homeless Encampment must comply with all regulations of Washington State, the City of Normandy Park, and Public Health - Seattle & King County. The Temporary Homeless Encampment shall comply with the requirements of the International Fire Code and Washington Cities Electrical Code as adopted by the City of Normandy Park. The Sponsoring Agency and Host Agency shall permit inspections at all reasonable times by appropriate public officials from the agencies enforcing these codes for code compliance.

13. The Sponsoring Agency shall take all reasonable and legal steps to obtain verifiable identification from prospective residents of the Temporary Homeless Encampments and use the identification to obtain sex offender and warrant checks from the appropriate agency. If the warrant and sex offender check reveals that a prospective resident or existing resident is a sex offender who is required to register with police or that the prospective resident has an outstanding warrant, the Sponsoring Agency shall reject the prospective resident or evict the existing resident.

14. Adequate access for fire and emergency medical apparatus shall be provided.

15. Adequate separation between tents and other structures shall be maintained in order to limit fire exposure and provide for emergency exiting by residents.

16. Temporary Homeless Encampment Permits may be approved for a time period not to exceed 90 days. No Temporary Homeless Encampment shall be permitted on any single property for more than 90 days in any calendar year.

**18.110.040 Revocation of Permit.**

<u>Vote</u>	West	Bishoff	Chicquette	Waters	Sipes-Marvin	Munslow	Rankin
Ayes:	✓		✓	✓	✓		
Nays:						✓	
Abstentions:							
Absent:		✓					✓

PUBLISHED: May 6, 2016

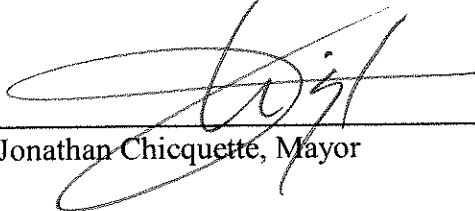
EFFECTIVE: May 11, 2016


The City Manager may revoke a Temporary Homeless Encampment Permit for violation of any of the requirements of NPMC 18.110.030. A decision of the City Manager to revoke a Temporary Homeless Encampment Permit is a Type I decision that may be appealed to the Hearing Examiner as provided in NPMC 18.150. The decision of the City Manager to revoke a Temporary Homeless Encampment Permit shall be stayed during any appeal to the Hearing Examiner, but the stay will be lifted if the Hearing Examiner upholds the revocation. Decisions of the Hearing Examiner on a Temporary Homeless Encampment Permit revocation may be appealed to the King County Superior Court as provided in RCW 36.70C.

**Section 4. 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.

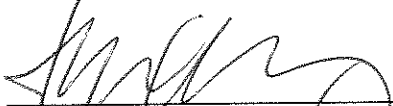
**Section 5. Effective Date.** This Ordinance shall become effective five days following its passage and publication.

**PASSED BY THE CITY COUNCIL OF THE CITY OF NORMANDY PARK THIS 26<sup>th</sup> DAY OF APRIL, 2016; AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 26<sup>th</sup> DAY OF APRIL, 2016.**

  
\_\_\_\_\_  
Jonathan Chicquette, Mayor

Attest:   
\_\_\_\_\_  
Debbie Burke, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
James E. Haney, City Attorney

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