

ORDINANCE NO. 3780

AN ORDINANCE OF THE CITY OF MOUNT VERNON, WASHINGTON, DECLARING AN EMERGENCY, ADOPTING INTERIM CONTROL REGULATIONS FOR SEVERE WEATHER SHELTERS TO PROVIDE TEMPORARY HOUSING OF THE HOMELESS DURING SEVERE WEATHER EVENTS

WHEREAS, people are considered homeless when they do not have accommodation that is safe, secure, and appropriate; and

WHEREAS, the current crisis of homelessness is impacted by a broad number of societal challenges including but not limited to, growth in poverty, mental health, substance abuse, erosion of foster care, federal and state investment in criminal justice and other safety net systems, which have a cumulative and compounding effect resulting in an alarming trend in homeless population statewide and in our local community; and

WHEREAS, the City of Mount Vernon's specific role and the role of government in general to address, mitigate or reduce homelessness is limited by constitutional, statutory, and budgetary constraints. Nonetheless, the City finds a response is required to address the public health and safety impacts to the community; and

WHEREAS, the current crisis requires the response of not just government but of the entire community; and

WHEREAS, the City of Mount Vernon is dedicated to reducing homelessness while also recognizing the government's role in protecting the public health and safety for the community including both those persons with and without homes; and

WHEREAS, the City of Mount Vernon finds that current city regulations do not directly address severe weather shelters; and

WHEREAS, there is a need to provide housing for the homeless during severe weather events such as periods of cold weather, or other conditions deemed severe enough to present a substantial threat to the life or health of homeless persons; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390, as well as interpretative judicial decisions, authorize adoption of interim zoning controls and regulations with certain limitations, including the requirement to hold a public hearing on the adopted interim zoning controls/regulations within 60 days of its adoption, and the adoption of findings of facts and, if appropriate, a work plan; and

WHEREAS, in accordance with RCW 35A.63.220, interim zoning controls may be effective for no longer than six months, but may be effective for up to a year if a work plan is developed for related studies providing for such a longer period, and

WHEREAS, there is an urgent need, pending completion of and the adoption of permanent zoning and regulatory ordinances relating to severe weather emergency shelters, to adopt interim regulatory ordinances regarding such land uses to address the impacts to public health and safety; and

WHEREAS, staff has prepared a draft interim ordinance that impose conditions to address impacts to public health and safety as a result of severe weather emergency shelters; and

WHEREAS, the City Council finds the interim ordinance: i) is necessary to protect the public health and safety and ii) that conditions herein do not substantially burden the decisions or actions of a religious organization regarding location of the housing or provision of shelter for homeless persons on property owned by the religious organization; and

WHEREAS, the City Council shall hold a public hearing within 60 days at a regularly held meeting of the City Council on this Ordinance to consider public testimony regarding adoption of this Ordinance and adopt findings of fact justifying its action in the event such findings are not adopted prior to the hearing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. Recitals Incorporated. That the City Council adopts the recitals set forth above as findings justifying adoption of this Ordinance and incorporates those recitals as if set forth fully herein. The Council may adopt additional findings in the event that additional public hearings are held or evidence presented to the City Council.

SECTION 2. New Section. A new Chapter 8.50, Severe Weather Shelters is added to the Mount Vernon Municipal Code as follows:

**Chapter 8.50
SEVERE WEATHER SHELTERS**

Sections:

- 8.50.010 Purpose and Objective.
- 8.50.020 Definitions.
- 8.50.030 Determination of a severe weather event.
- 8.50.040 Permitting of severe weather shelters.

8.50.010 Purpose.

The purpose of this chapter is to allow for emergency shelters and implement procedural and substantive regulations to coordinate public and private resources and address impacts to public health and safety when temperatures or other conditions outside could pose an immediate danger to the health, safety, and welfare of unsheltered people and there is a need to provide emergency, temporary, severe weather shelters. The provisions of this chapter shall not apply to religious organizations to the extent they are exempted by the provisions of RCW 35A.21.360.

8.50.020 Definitions.

For the purposes of this chapter, certain terms are defined in this section.

- A. "Basic Building Safety Standards" means the below listed conditions are met in building(s) used/operated as a "severe weather shelter" as defined herein:
 - 1. The property or building is of sufficient size to accommodate the proposed number of residents and the on-site facilities required by this section.

2. Adequate provision shall 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. Adequate access for fire and emergency medical apparatus shall be provided.
3. Adequate means of exiting the facility shall be provided including safe and unobstructed travel distances from portions of the shelter's sleeping area to egress doors.
4. Adequate fire alarm system(s) installed that complies with current fire code.
5. Adequate heating system in compliance with current building, mechanical, and fire codes.

The Fire Marshal and/or Building Official has authority to place specific conditions to severe weather shelters in order to satisfy the criteria above and to place any other requirements on structures used/operated as "severe weather shelters" to ensure the safety, health, and welfare of prospective occupants and the general public. Attached as **Exhibit A** are illustrative but not exhaustive examples of permissible means of achieving compliance for some of the standards set forth in this subsection.

- B. "Mayor" means the City of Mount Vernon's Mayor, the Mayor pro tempore, or his/her appointed designee.
- C. "Severe weather" means the following:
 1. A period of two or more days where temperatures are forecasted by the National Weather Service (National Oceanic and Atmospheric Administration) or actually reach 32 degrees Fahrenheit or below. This may include the National Weather Service Wind Chill Chart found in **Exhibit B** to determine if a combination of forecasted wind & temperature combinations result in a corrected temperature below 32 degrees Fahrenheit; and/or
 2. Snow accumulation exceeding or expected to exceed three inches in depth; and/or
 3. Other conditions deemed severe enough to present a substantial threat to life or health. This includes but is not limited to:
 - a. Severe weather alerts/warnings by reputable weather services or emergency providers; or
 - b. Flooding or flood alerts/warnings by the National Weather Service involving waters located in the City; or
 - c. Other major adverse events resulting from natural processes of the Earth such as mudslides, tsunamis, hurricanes, tornadoes, volcanic eruptions, earthquakes, and other geologic processes.
- D. "Severe weather shelter" or "shelter" means a building(s) owned and/or operated by a religious establishment, fraternal organization, public agency or other entity that meets basic building safety standards for temporarily housing homeless persons as determined by the city's Building Official and the city's Fire Marshal.

8.50.030 Determination of a severe weather event.

- A. The Mayor is responsible for determining a severe weather event as defined in Section 2.40.020. The Mayor may consult with the Skagit County Department of Emergency Management when making a determination under Section 2.40.010(C). The Mayor is also responsible for determining when a severe weather event has concluded.

- B. The Mayor shall immediately notify the city council, city police department, fire department and Skagit County Department of Emergency Management upon making a determination of a severe weather event. A list of known severe weather shelters may be provided with the notification.

8.50.040 Permitting of severe weather shelters.

- A. Once a determination of a severe weather event is made, the Building Official is authorized to issue a temporary use permit as provided for in the International Building Code Section 108 for severe weather shelters. The permit shall be considered a Type I permit pursuant to MVMC 14.05.050 B 1. The limit as to time of service for operating a severe weather shelter shall not extend more than two days beyond the cessation of the severe weather conditions.
- B. A temporary use permit is required before operating a severe weather shelter. There is no fee for the temporary use permit. A notice of the temporary use permit issuance shall be given to the emergency service providers such as Skagit County Department of Emergency Management, police and fire departments, and other fire and emergency response agencies and to social service organizations serving the homeless. Such temporary use permit shall be valid during a severe weather event.

SECTION 3. Hearing To Be Held. Pursuant to RCW 36.70A.390 and/or RCW 35A.63.220, the City Council shall hold a public hearing on this interim regulation within 60 days of adoption of this interim regulations ordinance.

SECTION 4. City to Consider Permanent Regulations. The City Council hereby directs that the City Community and Economic Development Department to study the issue of temporary severe weather shelters within the City and begin the process of drafting proposed permanent regulations to be considered through the City's public participation process including allowing for public input and providing for public hearings at both the Planning Commission and City Council.

SECTION 5. 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 6. Savings Clause. All previous ordinances which may be repealed in part or their entirety by this ordinance, shall remain in full force and effect until the effective date of this ordinance.

SECTION 7. Effective Date and Declaration of Emergency. The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority plus one of the whole membership of the Council, and that the same is not subject to a referendum. Without an immediate interim regulation on the City's acceptance of business licenses, building applications, permits or other types of land use/development permits/approvals, such applications could become vested under regulations subject to change by the City in this comprehensive review and regulation amendment/adoption process. This Ordinance will not affect any existing rights, or any vested applications previously submitted to the City.


SECTION 9. Ordinance to be Transmitted to Department. Pursuant to RCW 36.70A.106, this Interim Ordinance shall be transmitted to the Washington State Department of Commerce as required by law.

PASSED AND ADOPTED this 13th day of March 13, 2019.

SIGNED AND APPROVED this 13th day of March 13, 2019.



Doug Volesky, Finance Director



Jill Boudreau, Mayor

Approved as to form:



Kevin Rogerson, City Attorney

Published: March 17, 2019

Effective Date: March 13th, 2019

Exhibit A
(Severe Weather Shelter Guidelines)

For Structures That Do not Have Automatic Fire Sprinklers Installed:

1. The occupancy shall not exceed one person per 100 square feet of floor area designated for sleep areas.
2. One toilet and one sink for every 50 occupants and refuse receptacles meeting the requirements of the city's solid waste division.
3. Exit doors that comply with all of the following:
 - a. The minimum size of any exit door shall be 44-inches. The total width of exit doors shall be calculated by taking the occupant load and multiplying it by 0.2-inches (for example, if a severe weather shelter had an occupancy of 300 the total width of its egress doors would be required to be no less than 60-inches).
 - b. No less than two exit doors shall be provided.
 - c. All exit doors shall swing in the direction of egress travel.
4. The travel distance from all portions of the shelter's sleeping area to its egress doors shall be no more than 75 feet. Said travel distance shall be an unobstructed width of no less than 44-inches.
5. An automatic, commercial, fire alarm system installed that complies with current fire code.
6. A minimum of two (2) qualified personnel shall be on duty when the shelter is open. One of the staff members is to remain in the sleeping area at all times. The other member is required to inspect the premises and building every 30 minutes and complete (and maintain subject to inspection by the city officials) the below-described activity log. The activity log shall include all of the following.
 - a. Name of the person completing the log
 - b. Date and time of activity
 - c. Inspection of exit doors for operation, clear pathways, and to make sure they are not locked or blocked from the inside. These inspections shall occur every 30 minutes.
 - d. Inspection of unoccupied and occupied areas. These inspections shall occur every 30 minutes.
 - e. Inspection of fire extinguishers before the encampment opens every evening.
 - f. Inspection and testing of emergency lights and exit signs before the shelter opens every evening.
 - g. Garbage cans emptied daily while the shelter is in operation.
 - h. Inspection to make sure that emergency evacuation plan is posted at all exits in the sleeping area before the shelter opens every day/night.
 - i. Verify that the emergency evacuation plan is practiced by occupants each and every day the shelter is in operation.
 - j. Verify that information is compiled in writing and provided to the staff in charge that lists/describes each of the occupants at the shelter every day the shelter is in operation. This form will be used to account for everyone in the building in the event of an emergency
7. The two shelter staff on duty shall have certified fire extinguisher training in the last 12 months. Each member shall have their card upon request.
8. No cooking in the structure will be allowed.

9. No smoking or open flame allowed in building. Smoking may take place at least 25 feet from the building. Smoking materials to be placed in an approved metal container. Smoking signs to be posted in areas where occupants are permitted
10. The building's fire alarm(s) shall be operational at all times, if the fire alarm becomes inoperable for any reason the shelter shall be closed until the alarm is repaired.
11. Partitions (if used) shall be non-combustible or limited so that it is not easily ignited by open flame.

For Structures that have Automatic Fire Sprinklers and Automatic Fire Alarms Installed:

1. The occupancy shall not exceed that which the existing door widths would allow per the IBC adopted by the City.
2. One toilet and one sink for every 50 occupants and refuse receptacles meeting the requirements of the city's solid waste division.
3. Exit doors that comply with all of the following:
 - a. The minimum size of any exit door shall be 44-inches. The total width of exit doors shall be calculated by taking the occupant load and multiplying it by 0.2-inches (for example, if a severe weather shelter had an occupancy of 300 the total width of its egress doors would be required to be no less than 60-inches).
 - b. No less than two exit doors shall be provided.
 - c. Where the occupant load more than 49 all exit doors shall swing in the direction of egress travel.
4. The travel distance from all portions of the shelter's sleeping area to its egress doors shall be no more than 200 feet. Said aisle width shall not be less than that which is identified in the IBC adopted by the City for the occupant load permitted, as determined by the Building Official.

Exhibit B



NATIONAL WEATHER SERVICE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

[HOME](#)

[FORECAST](#)

[PAST WEATHER](#)

[SAFETY](#)

[INFORMATION](#)

[EDUCATION](#)

Wind Chill Chart

[Weather.gov](#) > [Safety](#) > Wind Chill Chart

Extreme Cold
Safety

Wind Chill Warning
vs Watch

Prepare for
Extreme Cold

During Extreme
Cold

After Extreme Cold



Wind Chill Chart

