

ORDINANCE NO. 3337

**AN ORDINANCE OF THE CITY OF LONGVIEW, WASHINGTON,
ADOPTING A NEW CHAPTER 7.30, SEVERE WEATHER SHELTERS, TO
PROVIDE FOR THE TEMPORARY HOUSING OF THE HOMELESS
DURING SEVERE WEATHER EVENTS, AND DECLARING AN
EMERGENCY**

WHEREAS, the City Council is aware of the serious issue of homelessness in the community and is endeavoring to take steps to aid in the provision of adequate housing for the homeless throughout the year; and

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

WHEREAS, currently, the City's municipal code does not address severe weather shelters; and

WHEREAS; the City Council *ad hoc* committee on zoning regulations for emergency shelters reviewed the proposal created by City staff and, after hearing comments from the public, recommended adoption to the City Council; and

WHEREAS, on December 15, 2016 the City Council directed the City Attorney to draft an ordinance creating a new chapter in the Longview Municipal Code to address severe weather shelters for the homeless.

NOW THEREFORE, The City Council of the City of Longview do ordain as follows:

Section 1. Title 7 Amended The title page of Title 7 of the Longview Municipal Code shall be and is hereby amended to read as follows; provided manifest and numbering errors shall be corrected prior to publication:

Title 7 HEALTH AND SANITATION

Chapters:

- 7.04 Definitions**
- 7.08 Solid Waste and Recycling Division**
- 7.12 Solid Waste and Recycling Collection**
- 7.16 Solid Waste and Recycling Collection Rates**
- 7.20 Repealed**
- 7.24 Repealed**
- 7.28 Trailer Houses – Trailer Parks**
- 7.29 Camping and Storage of Personal Property in Public Places**
- 7.30 Severe Weather Shelters**
- 7.32 Litter Control**
- 7.36 Recodified**
- 7.40 Parades, Athletic Events and Other Special Events**

Section 2. New Chapter There is hereby added to the Longview Municipal Code, a new chapter, 7.30 Severe Weather Shelters, to read as follows; provided, manifest and numbering errors shall be corrected prior to publication:

7.30 Severe Weather Shelters

7.30.010 Definitions

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

(1) Manager

“Manager” means the City of Longview City Manager or designee.

(2) Severe weather

“Severe weather” means the following:

- a. 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; and/or.
- b. Snow accumulation exceeding or expected to exceed 3 inches in depth; and/or
- c. Other conditions deemed severe enough to present a substantial threat to life or health of homeless persons.

(3) Severe weather shelter

“Severe weather 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. Temporarily providing shelter is an accessory use to the primary use of the building (e.g. allowing persons to shelter from the cold in a space primarily used for religious services).

7.30.020 Determination of a severe weather event.

The Manager or designee is responsible for determining a severe weather event as defined in Section 7.030.010. The Manager or designee shall consult with the Cowlitz County Department of Emergency Management when making a determination under subsection 7.30.010(1)(a). The Manager or designee is also responsible for determining when a severe weather event has concluded.

The Manager or designee shall immediately notify the City Council, City Police Department, Fire Department and Cowlitz County Department of Emergency Management upon making a determination of a severe weather event. A list of known severe weather shelters shall be provided with the notification.

7.30.030 Permitting of severe weather shelters.

The Manager or designee is authorized to issue a temporary use permit as provided for in the International Building Code Section 108 for severe weather shelters. 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.

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 Cowlitz County Department of Emergency Management, police and fire departments, and other fire and emergency response agencies and to social service organizations serving the homeless.

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.

Section 3. Declaration of Emergency. The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority vote plus one of the whole membership of the Council, and that the same is not subject to a referendum (RCW 35A.12.130). Without immediate action, the well-being of the homeless could be placed at risk during severe weather events.

Section 4. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not

affect the validity of the remaining portions of this ordinance and the same shall remain in full force and effect. The City of Longview hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 6. That the City of Longview City Clerk is hereby ordered and directed to cause this Ordinance to be published.

Section 7. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 8. The City Council finds that this Ordinance is necessary for the immediate preservation of public health, safety and peace therefore shall be a public emergency ordinance in full force and effect upon adoption.

Passed by the City Council this ____ day of _____, 2017.

Approved by the Mayor this ____ day of _____, 2017.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

James McNamara
City Attorney

Published: _____