ORDINANCE NO. 3790

AN ORDINANCE OF THE CITY OF MOUNT VERNON, WASHINGTON, DECLARING AN EMERGENCY AND ADOPTION OF INTERIM CONTROL REGULATIONS FOR TRANSITORY ACCOMMODATIONS

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

WHEREAS, "Sheltered" homeless are those persons that are accommodated in emergency shelters, with family or friends, or in other transitory housing. The "unsheltered" homeless are those who have yet to be accommodated by such housing and are living on the streets, in vehicles, impromptu encampments on private or public property or otherwise do not have shelter; and

WHEREAS, homelessness occurs in a variety of ways and result in different needs. For example, some people may become suddenly homeless requiring short term crisis accommodation while others may be chronically homeless; 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, recent data presented by Community Action of Skagit County's Housing Resource Center shows that those defined as chronically homeless and those at imminent risk of losing housing in Skagit County are on the rise. This county-wide trend is of concern to the City because Mount Vernon has the greatest number of residents of any incorporated city or town in Skagit County; 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 also recognizes that the ultimate goal beyond providing both shelter and services to the homeless is to transition homeless persons to permanent housing and the provision of personal development to allow persons to ultimately meet their needs without or reduced assistance. Case management is a key factor to achieving this goal; and

WHEREAS, the City recognizes the need to improve the safety and health of people experiencing homelessness that reside in vehicles; and

WHEREAS, the City of Mount Vernon finds that while current city regulations address transitory accommodations such as tent encampments and mitigate their health and safety impacts that such regulations do not account that smaller encampments or less intensive uses may warrant different less onerous substantive criteria and procedural safeguards; and

WHEREAS, the City of Mount Vernon is organized as a code city granting to it all the powers of home rule and those afforded by the State. In addition, RCW 35A.21.360 explicitly allows cities to impose conditions to such encampments when necessary to protect the public health and safety so long as such conditions do not substantially burden the decisions or actions of a religious organization regarding location of housing or shelter for homeless persons on property owned by the religious organization; 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 temporary homeless encampments, 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 such homeless encampments; 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 housing or 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; and

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. Chapter 17.210, Temporary Homeless Encampments, of the Mount Vernon Municipal Code is hereby amended as follows:

Temporary Homeless Encampments

Sections:

17.210.010 Purpose.
17.210.015 Definitions
17.210.020 Application for temporary homeless encampment permit.
17.210.030 Requirements for approval and operation.
17.210.040 Hardship exception
17.210.050 Decision criteria
17.210.060 Revocation of permit.
17.210.070 Limited temporary homeless encampments

17.210.010 Purpose.
The purpose of this chapter is to regulate homeless encampments within the city of Mount Vernon 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.

17.210.015 Definitions. The following words used in this Chapter are defined as follows:

A. "**Director**" means the Director of the City of Mount Vernon's Development Services Department or Designee.

B. "**Encampment host**" means a religious organization (including but not limited to an owner, tenant, or lessee) that has the legal right to occupy the site of a temporary homeless encampment. An "encampment host" may be the same individual, group, organization, or entity as the encampment sponsor or the encampment manager of a temporary homeless encampment.

C. "**Encampment manager**" means an individual, group, organization, or entity that organizes, manages or operates a temporary homeless encampment. An "encampment manager" may be the same individual, group, organization, or entity as the encampment host or the encampment sponsor of a temporary homeless encampment.

D. "**Encampment sponsor**" means an individual, group, organization, or entity which, in conjunction or by agreement with the encampment host or encampment manager, provides services or support on an ongoing basis for the residents of a temporary homeless encampment. An "encampment sponsor" may be the same individual, group, organization, or entity as the encampment host or the encampment manager of a temporary homeless encampment.

E. **"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 including but not limited to Limited Temporary Homeless Encampment.

F. "Limited temporary homeless encampment" means a temporary homeless encampment for a facility or site limited to accommodating no more than five vehicles, housing not more than a total of twelve individuals parking in designated areas to provide overnight shelter.

17.210.020 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 encampment host or the encampment sponsor, or both, for the temporary homeless encampment.

B. Temporary homeless encampments shall not be permitted within the city except as an accommodation of religious exercise by an encampment host or encampment sponsor. Unless the use is a limited temporary homeless encampment, each encampment host, encampment manager and encampment sponsor of a temporary homeless encampment shall jointly apply for a permit under this chapter, and shall jointly certify compliance with all applicable use requirements and conditions of this part in the application. Each encampment host, encampment manager and encampment sponsor shall comply with the standards set forth in MVMC 17.210.070 for limited homeless encampments. MVMC 17.210.020 C through MVMC 17.210.020 I, and MVMC 17.210.030 shall not apply to property owned or controlled by a religious organization when used as a limited temporary homeless encampment.

C. An application for a temporary homeless encampment permit shall be submitted to the director or designee on a form approved by the director. The application shall contain an encampment management responsibility plan. An application that does not contain an encampment management responsibility plan shall not be considered complete. The encampment management responsibility plan shall contain, at a minimum, all of the following information:

1. The name, address, and telephone number of the encampment host, and the telephone number and email address for a designated representative of the encampment host; and

2. The name, address, and telephone number of the encampment sponsor and encampment manager, and the telephone number and email address for a designated representative of the encampment sponsor and encampment manager; 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 encampment host; and

4. The date on which the 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 MVMC 17.210.030; and

7. A statement demonstrating how the temporary homeless encampment will meet the requirements of MVMC 17.210.030; and

8. A description of the security measures that the encampment host, encampment sponsor and encampment manager intend to employ at the proposed location, including criteria for rejection as a resident, a code of conduct, neighborhood security patrols, if any, whether and how they will implement outstanding warrant or registered sex offender background checks, and whether and how any temporary homeless encampment residents or prospective residents may be ejected from the temporary homeless encampment based on the results of such checks; and

9. A transportation plan demonstrating compliance with MVMC 17.210.030.

D. The application for a temporary homeless encampment permit must be accompanied by an application fee set forth in Chapter 14.15 MVMC.

E. An application for a temporary homeless encampment permit must be filed at least 30 days before the date on which the temporary homeless encampment is proposed to move onto the proposed location; provided, that the Director may agree to a shorter period in the case of an emergency beyond the control of the encampment host and encampment sponsor.

F. An application for a temporary homeless encampment permit shall be processed as a Type II temporary homeless encampment permit under Chapter 14.05 MVMC subject to administrative appeal and final administrative decision by the City Hearings Examiner.

G. In addition to the requirements for a Type II permit under Chapter 14.05 MVMC, the following additional and amended procedures apply:

1. Public Meeting Required. The encampment host, manager and sponsor shall hold an informational public meeting that will be attended by the director. The public meeting shall be held as early in the review process as possible for the application. Notice of the public meeting shall be mailed to those property owners identified within subsection (G)(2) of this section. The public meeting notice will be combined with the notice of application whenever possible. Prior to the public meeting, the encampment host shall meet and confer with the Mount Vernon police department regarding the proposed security measures. At the public meeting, a representative of the encampment host shall present in writing and describe the proposed encampment management responsibility plan, and any input or comment received on the plan, including any comment or input from the Mount Vernon police department, or comment or input from schools and/or child care services under subsection (G)(2) of this section. The public meeting shall be attended by all applicants of the proposed temporary homeless encampment permit.

2. Additional Mailed Notice. The requirements for mailed notice of the application set forth for Type II permits under Chapter 14.05MVMC shall be expanded to include owners of real property within 600 feet of the project site. Prior to the decision of the director on a temporary homeless encampment permit, the encampment host, encampment sponsor, or encampment manager shall meet and confer with the administration of any public or private elementary, middle, junior high or high school within 600 feet of the boundaries of the proposed temporary homeless encampment site, and shall meet and confer with the operators of any known child care service within 600 feet of the boundaries of the proposed temporary homeless encampment site. The encampment host and the school administration and/or child care service operator shall make a good faith effort to agree upon any additional conditions that may be appropriate or necessary to address school and/or child care concerns regarding the location of a temporary homeless encampment within 600 feet of such a facility. Any such conditions agreed upon between the parties shall be submitted to the director for consideration for inclusion within the temporary homeless encampment permit. In the event the parties fail to agree on any conditions, either party may provide the director with a written summary of the parties' discussions, which the director may consider in evaluating whether the criteria for the temporary homeless encampment permit are met, or the need for additional conditions upon the temporary homeless encampment permit based on the applicable decision criteria.

3. The applicant shall provide notice of the application by posting two land use change signs on the site or in a location immediately adjacent to the site that provides visibility to motorists using adjacent streets. The director shall establish standards for timing of installation and removal of the signs and the public meeting notice.

H. The Director shall coordinate review of the temporary homeless encampment permit with appropriate city staff and with other appropriate public agencies, including, but not limited to, Skagit County Public Health Department and the Mount Vernon Fire Department. The Director may issue the temporary homeless encampment permit if the application demonstrates that:

1. All of the requirements of MVMC 17.210.030 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.

I. Decisions of the Director granting, granting with conditions, or denying a temporary homeless encampment permit shall be subject to one open record administrative appeal to the Hearing Examiner who shall render a final administrative determination. The Hearing Examiner's decision shall be subject to appeal to the Skagit County Superior Court as provided in Chapter 36.70 RCW. In the event of any conflict with any other provisions of the Mount Vernon Municipal Code, this provision shall control notwithstanding MVMC 14.05.020.

17.210.030 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 division; 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. Through the permit process a ratio of encampment staff to residents shall be established by the city. This ratio shall ensure the health and safety of the staff, residents, and surrounding neighbors.

3. Outdoor temporary homeless encampments 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 20 feet from the property line or the minimum setback provided in the Mount Vernon Municipal Code, whichever is greater.

4. Outdoor temporary homeless encampments shall have a six-foot-tall sight obscuring fence provided around the perimeter of the temporary homeless encampment unless the director 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 outdoor temporary homeless encampments shall be directed downward and away from adjacent properties to minimize light impacts.

6. The maximum number of residents within a temporary homeless encampment shall not exceed 100.

7. Parking for at a minimum five vehicles shall be provided and otherwise comply with Chapter 17.84 MVMC.

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 encampment sponsor, the encampment host, or the encampment manager shall immediately contact child protective services.

9. No animals shall be permitted in the temporary homeless encampment, except for service animals.

10. The encampment sponsor and/or the encampment host 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. Hours during which quiet is to be observed.

11. A transportation plan must be submitted providing for access to transit. All temporary homeless encampments must be located within one-half mile of transit service. This measurement shall be taken in a straight line from the closest property line where the temporary homeless encampment is proposed to the existing transit service provided by Skagit Transit. During hours when public transportation is not available, the encampment sponsor, encampment host, or encampment manager shall also make transportation available to anyone who is rejected from or ordered to leave the temporary homeless encampment.

12. The temporary homeless encampment must comply with all regulations of Washington State, the city of Mount Vernon, and the Skagit County public health department. 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 Mount Vernon. The encampment sponsor and encampment host shall permit inspections at all reasonable times by appropriate public officials from the agencies enforcing these codes for code compliance.

13. The encampment sponsor 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 encampment sponsor 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 to limit fire exposure and provide for emergency exiting by residents.

16. Temporary homeless encampment permits may be approved only once over a one-year period for no more than 120 consecutive days. These time limits shall apply to property where a temporary homeless encampment is permitted regardless of whether or not an encampment manager or sponsor is different. For example, if a temporary homeless encampment permit was issued on December 1st of a given year for a 120-day period the site upon which the permit was issued could not host another temporary homeless encampment until December 1st of the following year.

17.210.040 Hardship exception

An encampment host, encampment sponsor, or encampment manager may petition the Director for an exception from any of the specific use requirements of MVMC 17.210.030, standards set forth in MVMC 17.210.070, or other condition imposed by this chapter or by the Director upon grounds of hardship. In considering whether a hardship exception should be granted, the Director may consider whether the provision or provisions at issue substantially burden the siting or hosting of a temporary homeless encampment at a particular location or by a particular encampment host, encampment sponsor, or encampment manager, the effects on health and safety of residents and the community should the exception be granted, and whether a less restrictive, alternative means to achieve the health and safety objectives is proposed and/or is reasonably available.

17.210.050 Decision criteria.

The director may approve, or approve with modifications, an application for a temporary encampment permit or request for hardship exemption for a limited temporary homeless encampment if:

A. The temporary homeless encampment complies with the use requirements set out in MVMC 17.210.030 if applicable and other applicable requirements of this chapter unless an exception has been granted pursuant to MVMC 17.210.040; and

B. The temporary homeless encampment will not be materially detrimental to the public health, safety or welfare of the temporary homeless encampment residents or the surrounding community; and

C. The imposition of a condition under which the city reserves the right to impose additional conditions or to reconsider the temporary homeless encampment permit within a certain time frame from approval date, based on substantiated complaints filed with the city.

17.210.060 Revocation of permit.

The director may revoke a temporary homeless encampment permit or deny request for a hardship exception for a limited temporary homeless encampment for violation of any of the requirements of this chapter. A decision of the director to revoke a temporary homeless encampment permit or deny request for a hardship exception for a limited temporary homeless encampment is a Type II decision processed in the same manner as a Type II temporary homeless encampment permit decision that may be appealed to the hearing examiner for final determination provided in Chapter 14.05 MVMC. The decision of the director 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 or denial of a request for a hardship exception may be appealed to the Skagit County superior court as provided in Chapter 36.70RCW.

17.210.070 Limited temporary homeless encampments.

A. Purpose. The purpose of this section is to provide homeless individuals with vehicles a place to temporarily park overnight to assist in transitions to permanent housing.

B. There is no fee for a limited temporary homeless encampment when the use complies with the conditions set forth in this section. Limited temporary homeless encampment is allowed outright when the following conditions are met:

1. The Encampment Host, Manager or Sponsor registers the limited temporary encampment with the City as required in Subsection C.
2. Vehicles that individuals park and sleep within as means of shelter are limited to five passenger cars and/or passenger trucks. Recreational and commercial vehicles as defined in MVMC 10.20.020, shall not qualify as vehicles for the purposes of a Limited Temporary Homeless Encampment.
3. Vehicles that individuals park and sleep within as means of shelter shall be registered by the Encampment Host, Manager, or Sponsor with the creation and maintenance of a roster that includes the names of the persons associated with the vehicle, the vehicle make, model, year and license number ("registered vehicle"). Each registered vehicle shall possesses and prominently display a placard in the windshield. The placard shall clearly identify the vehicle as registered and permitted by the religious organization for overnight shelter.
4. The limited temporary homeless encampment is located on the property that a religious organization has the right to occupy as an owner, tenant, or lessee.
5. The limited temporary homeless encampment is located on the same site in which the religious organization has a permanent, fixed structure in use by the religious organization.
6. The limited homeless encampment is located on a paved surface intended for vehicle parking that is regularly maintained for removal of dust and debris.
7. Vehicles that individuals park and sleep within as means of shelter shall:
    a. Be parked next to each other
    b. Be placed such that they are not visible from surrounding public roads, to the extent possible
    c. Be at least 50 feet from abutting properties used for residential purposes absent a hardship exception pursuant to MVMC 17.210.040
8. Outdoor restrooms facilities shall be installed, maintained and must be accessible during hours vehicles are allowed to remain. Access to a hand washing station and trash facilities shall be provided on the property during hours vehicles are allowed to remain. To the extent possible, these facilities shall be placed such as they are not visible from surrounding public roads.
9. No children under 18 shall be allowed to stay overnight in the encampment unless accompanied by a parent or guardian or unless the Encampment Host, Manager, or Sponsor has proof of the minor's legal emancipation. If an unemancipated child under the age of 18 without a parent or guardian present attempts to stay at the encampment, the Encampment Host, Manager, or Sponsor shall immediately contact child protective services and shall actively endeavor to find alternative shelter for the child.

10. Registered vehicles shall be allowed on the property between 6:00 p.m. and 8:00 a.m. daily. All registered vehicles shall remain off the property outside these hours unless otherwise engaging in religious services or activities.

11. The Encampment Host shall create and implement a Neighborhood Relations plan. The City shall be entitled to post the plan on its website and otherwise make the plan available to the general public. The plan shall include the following:

    a. Identification of two individual responsible to ensure the limited temporary homeless encampment complies with all Mount Vernon ordinances and other state laws and regulations. The individuals shall be responsible for receiving, responding, and resolving all complaints about the limited temporary homeless encampment.
    b. At a minimum, the telephone number(s) of the individuals responsible for the limited temporary homeless encampment that members of the public may call to receive complaints.
    c. Dates that the limited temporary homeless encampment shall be located on a property.
    d. A site plan that shows the location of trash, restroom facilities, exterior light fixtures, location and distances to residential properties, and location of designated overnight parking spaces.
    e. The code of conduct required in the section.

12. The identified individuals responsible for the limited temporary homeless encampment shall immediately respond to complaints. The Encampment Host shall log all complaints received, how it was resolved and provide a copy to the City upon request.

13. An on-call monitor must be provided. The on-call monitor shall:

    a. Be physically present at the site at 6:00 p.m. to observe the arrival of registered vehicles.
    b. Document that only registered vehicles and allowed occupants are on the property.
    c. Be able to be physically present on the property within thirty minutes of a request during any time the property is occupied by registered vehicles.
    d. Ensure compliance with all the requirements set forth in this Chapter.
    e. Within 24 hours of receiving a complaint or request for corrective action, the on-site monitor shall use his or her best efforts to remedy the complaint.

14. The Encampment Host shall provide and enforce within said temporary limited encampment a written code of conduct that provides for the health, safety, and welfare of the limited temporary homeless encampment residents, and mitigates impacts to neighbors and the community. The code of conduct shall, at a minimum, prohibit:
    a. Possession or use of firearms, alcohol and/or illegal drugs.
    b. Violence.
    c. Open flames either inside or outside vehicles.
    d. Trespassing on private property in the surrounding neighborhood.
    e. Littering in the limited temporary homeless encampment site or the surrounding neighborhood.
    f. Cooking or food preparation performed inside or outside of the resident's vehicles.
    g. Extension of electrical or water service shall be allowed from any structure to any vehicle.
    h. Urination or defecation outside of restroom facilities provided.
    i. Use, storing, or placing outside the registered vehicle items of personal property use unless stored within a pre-existing authorized structure on site. Tarps, chairs, tables, or any other type of furniture and/or equipment not stored in the resident's vehicle are prohibited.
    j. When outside a vehicle, pets must be leashed at all times. Animal waste shall be picked up immediately and disposed of properly. Any dog or other animal demonstrating aggressive behavior shall be immediately removed. Residents shall maintain control of animals.
    k. Dumping sewage or other waste fluids or solids, deposit excreta outside a vehicle, or park vehicles that leak excessive fluids (i.e., gasoline, transmission or radiator fluid, or engine oil).
    l. Persons who wish to register vehicles shall be limited to no more than one vehicle.
    m. Noise or music in excess of the limits set forth in MVMC Chapter 9.28.
    n. Amplified music if audible outside the registered vehicle.
    o. Unregistered guests shall not be allowed.

15. Before allowed on the property the Encampment Host shall complete background checks consistent with MVMC 17.210.020(C)(8). The Encampment host shall exclude any individuals who have active warrants or are registered sex offenders.

16. The Encampment Host shall provide immediate cleanup of any litter, wastewater, sewage, or waste material discharge onto or deposited upon the surface of the ground or parking area, whether as a result of leaks from plumbing fixtures, wastewater, sewage, or waste.

17. The Encampment Host shall not charge fees, rents, or other charges to those using the limited temporary homeless encampment.

18. The Encampment Host shall comply and enforce compliance of applicable state statutes and regulations and local ordinances concerning, but not limited to, drinking water connections, solid waste disposal, human waste, outdoor fire or burning, electrical systems, and fire-resistant material.

19. The Director may impose additional conditions necessary to protect public health and safety so long as such conditions do not substantially burden the decisions or actions of the Encampment Host.

C. Registering a Limited Temporary Encampment with the City. The Encampment Host, Manager, or Sponsor shall, at least a week prior to a limited temporary encampment being established, submit the following items to the City:

1. A fully-dimensioned, to-scale site plan indicating the location of trash, restroom facilities, handwashing facilities, exterior light fixtures, location and distances to residential properties, and location of designated overnight parking spaces.
2. A copy of their written Code of Conduct.
3. A copy of their Neighborhood Relations Plan.
4. The identity and contact information of the on-call monitor set forth in subsection A 12.
5. The Development Services Director may request other information if necessary to determine or ensure compliance with the provisions of this section. Upon receipt of such a request, the information shall be provided prior to the limited temporary encampment being established.

D. Limited Temporary Homeless Encampments shall be located on a property for no more than a total of 180-days in any 12 month period unless the Encampment Host, Manager, or Sponsor demonstrates it has fully complied with the provisions of this Chapter and no previous violations occurred during the 180 day period. In the event it has been determined pursuant to section (E) below that one or more violations of this chapter have occurred, no less than 180-days must pass before a Limited Temporary Homeless Encampment can be re-established on a property that previously hosted a Limited Temporary Homeless Encampment. Limited Temporary Homeless Encampments shall immediately cease as ordered by the Director for substantiated violations pursuant to section (E)(2), below. Limited Temporary Homeless Encampment shall re-register with the City every 180 days if the Encampment Sponsor wishes to continue locating a Limited Temporary Homeless Encampment on a property. A property may not have a Limited Temporary Homeless Encampment and Temporary Homeless Encampment at one time when such use exceeds standards set forth in MVMC 17.210.030.

E. Violation- Penalties

1. Any person violating or failing to comply with any of the provisions of MVMC 17.210.070 shall be subject to the enforcement provisions contained in MVMC Title 19, Code Enforcement.

2. In addition to and supplemental to any enforcement action set forth in Title 19, Code Enforcement, the Director may order a limited temporary homeless encampment to cease for violation of any of the requirements of this chapter or condition imposed by the Director until such a time as the use complies with the chapter or conditions. An order of the Director is a Type II decision that may be appealed to the hearing examiner for final determination provided in Chapter 14.05 MVMC. The order of the director shall be stayed during any appeal to the hearing examiner, but the stay will be lifted if the hearing examiner upholds the order. Decisions of the hearing examiner on an order of the director may be appealed to the Skagit County superior court as provided in Chapter 36.70RCW.

SECTION 7. 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 8. City to Consider Permanent Regulations. The City Council hereby directs that the City Community and Economic Development Department to study the issue of temporary homeless encampments 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 9. 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 10. 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 11. 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 12. 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 11th day of September 2019.

SIGNED AND APPROVED this 12th day of September, 2019.

Doug Volesky

Doug Volesky, Finance Director

Jill Boudreau, Mayor

Approved as to form:

Kevin Rogerson, City Attorney

Published: September 18, 2019

Effective Date: _____