

ORDINANCE 985-A

AN ORDINANCE OF THE CITY OF WILLISTON AMENDING CHAPTER 15 "PLANNING AND DEVELOPMENT" OF THE WILLISTON CODE OF ORDINANCES, ADDING ARTICLE IV, SECTIONS 15-42 to 15-45: EMERGENCY TEMPORARY HOMELESS SHELTERS AS SET OUT BELOW.

WHEREAS, the City of Williston has previously not allowed for the location of any emergency temporary homeless shelters under the jurisdiction of the City of Williston Zoning Ordinance, and

WHEREAS, there arises a need for assistance to the homeless and transient members of the Williston community in the winter months and,

WHEREAS, it is the intent of the City to protect and promote the public health, safety and welfare by regulating and authorizing temporary emergency homeless shelters in Williston.

NOW, THEREFORE, be it ordained by the Board of City Commissioners of the City of Williston, North Dakota:

CHAPTER 15

Article IV

Emergency Temporary Homeless Shelter

Section 15-42:

- (a) Purpose. The Board of City Commissioners of the City of Williston recognizes and finds that it is in the best interests of the public health, safety, and general welfare to provide for emergency temporary homeless shelter for transient or homeless individuals within the community under the terms provided by this Ordinance.
- (b) Permit Required. No person or entity shall operate an emergency temporary shelter within the Williston city limits without a permit as provided for under this Ordinance.

Any person or group or persons or entity may apply to the City for an emergency temporary homeless shelter permit under the terms provided in this ordinance.

Such permit shall entitle the grantee to certain uses of its property that would otherwise not conform to the City's zoning code requirements.

The Board of City Commissioners shall issue such permit by Resolution, following a public hearing as required by North Dakota law, and may attach to

the emergency temporary homeless shelter permit such reasonable conditions as they may deem necessary and appropriate, in order to ensure the protection of the public health, safety, and general welfare.

(c) Permit Application. Unless otherwise determined by the Board of City Commissioners, the applicant shall, as part of the application process, provide the City with at least the following information:

1. The physical structure in which the emergency temporary homeless shelter will be operated.
2. A copy of the dimensioned floor plans of the physical structure in which the emergency temporary homeless shelter will be operated, with the location of the room or rooms to be used during the emergency temporary homeless shelter's operation clearly marked.
3. Proof of fire and liability insurance for the physical structure in which the emergency temporary homeless shelter will be operated.
4. Identity of at least one emergency temporary homeless shelter site coordinator for each physical structure in which the emergency temporary homeless shelter will be operated.
5. Identity of an overall project coordinator, to act as a primary contact, for applications with multiple proposed physical locations in which the emergency temporary homeless shelter will be operated.
6. A manual of rules and regulations, acceptable to the City Planner or his designee, for operation of the emergency temporary homeless shelter at each physical structure in which the emergency temporary homeless shelter will be operated. Each manual should contain the following information, including, but not limited to:
 - **Site Coordinator Manual:**
 - Site layout plan: Items to be addressed here include Check-in area, hospitality area, sleeping area, emergency supplies, and volunteer space.
 - Security of the Site: How this will operate;
 - Fire Safety: a safety plan addressed in this section;
 - Sanitation: Facility hygiene plan;
 - Personal belongings: policy;
 - Transition between the emergency temporary homeless shelter locations: description of process here;

- Staffing Volunteers: description of the volunteer shifts will be conducted (shift volunteers, shift times, recruiting and training volunteers etc.).
- General Policies: Alcohol/drugs, smoking, media, special concerns, site supplies, physical plant, monitor/reports
- **Volunteer Manual:**
 - Individual Site Coordinators:
 - Location Volunteers: Description of shift actions and activities;
 - Security of Site: Description of policy and procedures for site security;
 - Fire safety: description of policy and procedure;
 - Nourishment: Description of policy;
 - Sleeping area: procedures for preparing the sleeping area;
 - Personal belongings: Policy
 - Medical Problems: Policy and procedures
 - Emergencies: Policies and procedures
 - Injuries: Policy and procedures
 - Alcohol/Drugs/Smoking: Policy and procedures
 - Weapons: Policy and procedures

Any procedural amendments would need to be made in writing at the time of permit application to be considered by the City Commission at the public hearing.

(d) Issuance of Permit. Upon receipt of the application materials, the City shall set the matter for a public hearing before the Williston Board of City Commissioners.

(e) Notification and Hearing. At least ten (10) days prior to the requested public hearing, the emergency temporary homeless shelter project coordinator identified in the application materials shall notify, in writing, all property owners within 300 feet of the proposed location of the emergency temporary homeless shelter and provide verification to the City of the required notification.

The required notification must include, at a minimum:

1. The location of the proposed emergency temporary homeless shelter;
2. The date, time, and place of the public hearing; and
3. At the public hearing, the Board of City Commissioners will take public comment from any interested person(s).

Following the public hearing, the Williston Board of City Commissioners may grant the emergency temporary homeless shelter permit if it finds that:

1. the applicant has met all requirements of the Williston City Code regarding operation of an emergency temporary homeless shelter;
 2. the applicant appears to be a responsible and appropriate operator of an emergency temporary homeless shelter; and
 3. granting such emergency temporary homeless shelter permit is in the best interests of the public health, safety, and general welfare of the Williston community.
- (f) Permit Length. Any emergency temporary homeless shelter permit issued to an applicant by the Williston Board of Commissioners shall be valid from November 1 to April 1. **A two week extension may be requested upon writing to the Planning Department based on the occurrence of persisting extreme dangerous cold weather in a given year.**

Applicants must reapply for a new emergency temporary homeless shelter permit each year. Reapplication in subsequent years shall be made to the Planning Department and shall be reviewed and approved upon finding of good standing with ordinance requirements and other agency policies.

- (g) Inspections. Prior to beginning operations as an emergency temporary homeless shelter, each proposed emergency temporary homeless shelter location or facility shall be inspected by the City's building department and fire department. The inspectors shall verify whether the facility is in compliance with Williston City Code.

Any Code violations must be corrected prior to beginning operations as an emergency temporary homeless shelter. In the event an inspection returns Code violations, prior to beginning of the facility's operations as an emergency temporary homeless shelter, an inspector from the building department and/or fire department must inspect and sign off on verification of Code compliance for the violating facility.

If, at any time, an emergency temporary homeless shelter facility is determined to be not in compliance with the City Code, or with any other conditions of approval attached by the Board of City Commissioners, the City shall be entitled to:

1. require immediate compliance with Williston City Code or other conditions of approval; or
2. revoke the emergency temporary homeless shelter permit.

(h) Requested Information. The emergency temporary homeless shelter coordinator shall provide a summary of the activities of the emergency temporary homeless shelter at such times as may be requested or required by the City.

Section 15-43: Repeal of Ordinances in Conflict.

All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 15-44: Severability.

If any section of this Ordinance is found or held invalid by a court of competent jurisdiction, the invalidity extends only to the affected section. All other sections of this Ordinance and Chapter shall continue in full force and effect.

Section 15-45: Effective Date.

This Ordinance shall be in full force and effect from and after final passage by the City of Williston Board of City Commissioners.

Commissioner Bekkedahl moved the adoption of the foregoing Ordinance. The Motion was seconded by Commissioner Brostuen. On roll call vote of the Commissioners vote "AYE": Bekkedahl, Klug, Cymbaluk, Brostuen and Koeser, and the following Commissioners vote "NAY": None. Absent and not voting: None.

WHEREUPON, the Motion was passed and the Ordinance declared adopted this 14th day of January, 2014.

E. Ward Koeser, President
Board of City Commissioners

ATTEST:

John Kautzman, City Auditor

First Reading: December 26th, 2013

Second Reading: January 14th, 2014

Published:

Adopted the 14th day of, 2014.