

ORDINANCE NO. 2006-03-018

**AN ORDINANCE RELATED TO LAND USE REGULATIONS AND AMENDING DEFINITIONS OF "FAMILY" AND "SERVICE CARE" IN BELLINGHAM MUNICIPAL CODE SECTIONS 20.08.020.F(1) AND 20.08.020.S(4) SPECIFIC DEFINITIONS.**

**WHEREAS**, State and Federal laws protect the rights of handicapped persons and children who are wards of the state to reside in a dwelling unit in the same manner as other families; and

**WHEREAS**, it is the intent of the City to maintain land use regulations that are consistent with these State and Federal laws; and

**WHEREAS**, amendments to City land use regulations regarding the definition of "family" and "service care" are required to assure consistency; and

**WHEREAS**, a Determination of Nonsignificance was issued under the State Environmental Policy Act for the proposed amendments; and

**WHEREAS**, as required by RCW 36.70A, notice of the City's intent to adopt the proposed amendments and a Determination of Nonsignificance under the State Environmental Policy Act was sent to the Department of Community, Trade and Economic Development and other reviewing agencies on October 19, 2005; and

**WHEREAS**, after mailed and published notice as required by Bellingham Municipal Code 21.10, the Planning Commission held a public hearing on the proposed ordinance on December 8, 2005; and

**WHEREAS**, the Planning Commission considered the staff report and comments received and recommends approval of the proposed ordinance; and

**WHEREAS**, after mailed and published notice as required by Bellingham Municipal Code 21.10, the City Council held a public hearing on the proposed ordinance on February 27, 2006; and

**WHEREAS**, the City Council has considered the recommendation of the Planning Commission, the staff report and the public comment and hereby adopts the Findings of Fact and Conclusions of the Planning Commission;

**NOW THREFORE, THE CITY OF BELLNGHAM DOES ORDAIN:**

**Section 1.** Bellingham Municipal Code Section 20.08.020.F(1) is hereby amended as follows:

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**Family.** One or more persons related by blood, marriage, or adoption, or not more than three unrelated persons, living together within a single dwelling unit. For purposes of this definition children with familial status within the meaning of Title 42 United States Code, Section 3602(k) and individuals with disabilities within the meaning of Title 42 United States Code, Section 3602(h) will not be counted as unrelated persons. "Adult family homes," as defined by RCW 70.128.175, are included within the definition of "family." Facilities housing individuals who are incarcerated as the result of a conviction or other court order shall not be included within this definition.

**Section 2.** Bellingham Municipal Code Section 20.08.020.S(4) is hereby amended as follows:

**Service Care:** A group residence licensed by the State operated with full-time supervision for housing resident persons who, by reasons of their mental or physical disability, addiction to drugs or alcohol or family and social adjustment problems, require a transitional nonmedical treatment program for rehabilitation and social readjustment. For the purposes of this Ordinance, a nonmedical treatment program consists of counseling, vocational guidance, training, group therapy and other similar rehabilitative services but does not include drug and/or alcohol detoxification. Monitoring the taking of prescription medication shall be permitted. The use of medication by any resident shall be incidental to that person's residence in the facility and shall not be a criterion for residence in the facility. Programs providing alternatives to imprisonment, including pre-release, work-release and probationary programs which are under the supervision of a court, state or local agency are included in this definition. Residences occupied by persons qualifying under the definition of "family" and "secure community transition facilities" are excluded from this definition.

PASSED by the Council this 6th day of March, 2006.

  
Council President

APPROVED by me this 10<sup>th</sup> day of March, 2006.

  
Mayor

Attest:   
Finance Director

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Approved as to form:



Office of the City Attorney

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