

ORDINANCE NO. 25-12-02

AN ORDINANCE AMENDING THE CITY CODE BY ADDING REGULATIONS GOVERNING THE TEMPORARY USE OF PROPERTY AS A OVERNIGHT WARMING CENTER.

WHEREAS, pursuant to Chapter 89, RSMo, the City is authorized to regulate land uses within its corporate limits to promote the public health, safety, and welfare; and

WHEREAS, the City recognizes the need for temporary overnight warming centers to provide safe, heated facilities to members of the public during periods of extreme cold;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EXCELSIOR SPRINGS, MISSOURI, AS FOLLOWS:

Section 1. That Section 400.231 is hereby added to Title IV, Chapter 400 of the City Code to read as follows:

400.231 Conditional Community and Emergency Uses

A. Warming Centers.

1. Purpose and Findings.

- a. To authorize the temporary operation of overnight warming centers under conditions that protect public health and safety, ensure coordination with emergency services, and maintain compliance with applicable building, fire, and zoning codes.
- b. The City Council finds that the temporary use of any facility as a overnight warming center, whether or not the building was originally designed or constructed for assembly purposes, including but not limited to older churches, community halls, and similar structures must be regulated and coordinated with the Building and Fire Officials to ensure compliance with the International Building Code (IBC) and International Fire Code (IFC), and to prevent such temporary uses from expanding into overnight or institutional operations without appropriate safeguards.

2. Definition.

“Overnight Warming Center” means a facility that temporarily provides short-term, emergency overnight accommodations for individuals seeking protection from extreme cold weather conditions.. A overnight warming center:

- a. Is non-residential in nature and operated only under a temporary authorization issued pursuant to this Section;

- b. May permit sleeping or resting by occupants during the hours of 5:00 p.m. – 8:00 a.m.;
- c. Operates only when the Community Development Director determines that forecasted ambient air temperatures will be at or below 20°F, or wind chill values will be at or below 20°F, for conditions posing a risk of hypothermia or frostbite to exposed persons, and for limited hours and days necessary to respond to that event.

3. Zoning Districts Permitted.

Overnight Warming centers may be authorized only in the following zoning districts: C-3.

4. Temporary Use Authorization Required.

- a. Operation requires a Temporary Use Authorization issued by the Community Development Director.
- b. Each Authorization shall specify: Location and sponsoring entity; approved maximum occupancy as determined by the Fire Official; and any conditions necessary for compliance with the IBC and IFC.

5. Coordination with Fire Department.

- a. Prior to operation, the Community Development Department shall notify the Fire Department of the proposed activation.
- b. The Fire Department shall verify that means of egress, heating equipment, detection devices, and electrical systems meet life-safety standards.
- c. The Building Official may require a temporary occupancy classification consistent with IBC Chapter 3 for assembly use, when applicable.
- d. No warming center may open to the public until first receiving a Temporary Use Authorization.
- e. Alternative Fire Protection / Fire Watch. Where a facility lacks an automatic sprinkler system or other required fire-protection feature, the Fire Department may authorize a continuous fire watch under the following conditions:
 - i. The occupancy does not exceed the limit established by the Fire Official;
 - ii. The facility provides functioning smoke detection, illuminated exits, and adequate exit signage;
 - iii. Fire-watch personnel are trained, remain on duty throughout occupancy, maintain hourly patrol logs, and have immediate communication with 911;
 - iv. Authorization of a fire watch shall not constitute a waiver of any permanent code requirement; and

- v. The Fire Chief shall document such approval in writing pursuant to IFC § 901.7, and the record shall be kept with the Temporary Use Authorization.

6. Operational Standards.

- a. Facility must be ADA-compliant with safe ingress, egress, and accessible restrooms.
- b. Facility shall not exceed the approved occupancy or operating hours.
- c. Maintain minimum of 68°F while occupied.
- d. A responsible representative shall be on site during all hours of operation.
- e. Post hours of operation, emergency contacts, and behavioral or pet rules.

7. Approval Criteria.

- a. The Community Development Director shall issue an Authorization only upon finding that:
 - i. The building meets applicable health, safety, and accessibility standards;
 - ii. The use will not adversely affect the public welfare through noise, traffic, or parking impacts; and
 - iii. All conditions of this Section, including any fire-watch requirements, are satisfied.

8. Revocation.

The Director, after consultation with the Fire Chief or Building Official, may suspend or revoke an Authorization upon finding that continued operation poses a hazard to life or property or violates the terms of approval.

9. Penalties.

Operation of a overnight warming center without a valid Temporary Use Authorization, or in violation of any condition imposed thereunder, shall constitute a zoning violation and an unlawful use of property. Each day of unauthorized operation shall be deemed a separate offense, enforceable under § 89.120, RSMo and § 404.100 of this Code, and subject to all remedies available to the City at law or in equity, including the issuance of a stop-use order, citation, or injunction.

Section 2. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED by the City Council of the City of Excelsior Springs, Missouri, this 8th day of December, 2025.

Mark D. Spohn, Mayor

ATTEST:

REVIEWED BY:

Shannon Stroud, City Clerk

Molly McGovern, City Manager