



Legislation Passed April 14, 2009

The Tacoma City Council, at its regular City Council meeting of April 14, 2009, adopted the following resolutions and/or ordinances. The summary of the contents of said resolutions and/or ordinances are shown below. To view the full text of the document, click on the bookmark at the left of the page.

Resolution No. 37773

Setting Tuesday, April 28, 2009, at approximately 5:30 p.m., as the date for a public hearing by the City Council on the City's 2009-2010 Annual Action Plan of the Consolidated Plan for Housing and Community Development.

Purchase Resolution No. 37774

Awarding a contract to:

Dimension Data, on its bid of \$721,363.86, plus sales tax, budgeted from the Information Services Fund, for Nexus 7000 Series switches – Specification No. IT08-1055F.

Resolution No. 37775

Expressing support for the Boys & Girls Club to be located at the South Tacoma Community Center campus, including a five-year commitment to provide operational funding in the amount of \$250,000 a year, budgeted from the General Fund, for the years 2010 through 2014.

Resolution No. 37776

Authorizing the execution of Amendment No. 5 to the agreement with MultiCare Health Systems, Inc., in the amount of \$80,000, for a cumulative total of \$350,000, budgeted from the Workers' Compensation Fund, for employment related medical examinations, and health and wellness services.

Ordinance No. 27793

Authorizing an extension to the cable television franchise ordinance with Comcast of Tacoma, Inc., and Comcast of Puget Sound, Inc., through December 31, 2009.

Ordinance No. 27794

Amending Title 3 of the Municipal Code, entitled "Fire," by amending Chapters 3.09, 3.10, and 3.12, to increase fees for certain fire code permits, adding certain definitions, and removing outdated language.

Ordinance No. 27795

Amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to implement rates of pay and compensation for employees represented by the International Brotherhood of Electrical Workers, Local 483, Click! Unit, which covers approximately 59 employees, retroactive to September 16, 2008 through December 31, 2010.

RESOLUTION NO. 37773

A RESOLUTION setting April 28, 2009, as the date for a public hearing on the recommendations of Community and Economic Development for the City's proposed 2009-2010 Annual Action Plan of the Consolidated Plan for Housing and Community Development.

WHEREAS the Consolidated Plan for Housing and Community Development consists of a five-year Housing and Community Development Strategic Plan and an Annual Action Plan, and

WHEREAS the 2009-2010 Annual Action Plan combines the submission of applications for funds for the Community Development Block Grant ("CDBG"), the HOME Investment Partnership ("HOME"), the Emergency Shelter Grant ("ESG"), and the American Dream Downpayment Initiative ("ADDI"), and

WHEREAS, this year, federal notification of the City's annual allocation of CDBG, HOME, ESG, and ADDI funds has been delayed, and the City has been advised by the U.S. Department of Housing and Urban Development ("HUD") to use last year's dollar amounts until the City is notified of the actual allocation for 2009-2010, and

WHEREAS, based on guidance by HUD, the City anticipates that it will be entitled to apply to HUD for entitlement grant allocations of: (1) CDBG, \$2,848,014; (2) HOME, \$1,829,405; (3) ESG, \$126,825, and ADDI, \$14,259, and

WHEREAS, because the population of the City of Lakewood ("Lakewood") does not qualify to apply for HOME funds independently, the City and Lakewood formed a consortium in 1999 for the HOME Program, including ADDI, and

WHEREAS the City's share of the HOME program grant funds for 2009-2010 is \$1,421,442, and Lakewood's share for 2009-2010 is \$407,963, based on last year's allocation, and

WHEREAS the City's share of the ADDI funding for 2009-2010 is \$11,079, and Lakewood's share for 2009-2010 is \$3,180, which funds are also based on last year's allocation, and

WHEREAS, before submission of the Annual Action Plan to HUD, the City must fulfill certain citizen participation requirements, including holding a public hearing on the proposed plan, and

WHEREAS the draft Annual Action Plan will be available for public review for a period of 30 days beginning April 1, 2009, and ending April 30, 2009; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That Tuesday, April 28, 2009, at approximately 5:30 p.m., is hereby fixed as the time, and the City Council Chambers on the First Floor of the Tacoma Municipal Building, 747 Market Street, Tacoma, Washington, as the place when and where a public hearing shall be held on the City's 2009-2010 Annual Action Plan of the Consolidated Plan for Housing and Community Development.

BE IT FURTHER RESOLVED that the City Clerk shall give proper notice of the time and place of said hearing.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



RESOLUTION NO. 37774

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the appropriate City officials to
3 enter into contracts and, where specified, waiving competitive bidding
4 requirements, authorizing sales of surplus property, or increasing or
5 extending existing agreements.

6 WHEREAS the City has complied with all applicable laws governing the
7 acquisition of those supplies, and/or the procurement of those services,
8 inclusive of public works, set forth in the attached Exhibit "A," which Exhibit is
9 incorporated herein as though fully set forth, and

10 WHEREAS the Board of Contracts and Awards has reviewed the
11 proposals and bids received by the City, and the Board has made its
12 recommendation as set forth in Exhibit "A," and

13 WHEREAS the Board of Contracts and Awards has also made its
14 recommendations as to entering into purchasing agreements with those
15 governmental entities identified in Exhibit "A"; Now, Therefore,

16 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

17 That the Council of the City of Tacoma does hereby concur in the
18 findings and recommendations of the Board of Contracts and Awards set forth
19 in the attached Exhibit "A," and does hereby approve and authorize the:

20 (X) A. Procurement of those supplies, services, and public works
21 recommended for acceptance in the attached Exhibit "A";

22 () B. Rejection of those bids and/or proposals that are recommended
23 for rejection in the attached Exhibit "A";
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() C. Entry into the proposed purchasing agreement with those governmental entities identified in the attached Exhibit "A," which proposed agreement is on file in the office of the City Clerk;

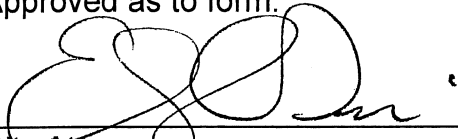
() D. Waiver of competitive bidding procedures in those instances, as set forth in Exhibit "A," in which it is impracticable to obtain supplies or public works improvements by competitive bid, or in those instances in which supplies and/or public works are available from a single source.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:


City Attorney



City of Tacoma
Information Technology

EXHIBIT "A"

RESOLUTION NO.: 37774

ITEM NO.: 1

MEETING DATE: APRIL 14, 2009

DATE: March 26, 2009

TO: Board of Contracts and Awards

SUBJECT: Purchase Nexus 7000 Series Switches
Budgeted from the Information Services Fund 5800
Requests for Bids Specification Number: IT08-1055F

Recommendation: The Information Technology Department, Infrastructure Services Division, recommends that a contract amount of \$817,690.35, less a trade-in amount of \$96,326.49 for a total purchase of \$721,363.86, plus applicable sales tax, be awarded to **Dimension Data, Bellevue, WA**, for the purchase of Nexus 7000 series switches.

Explanation: This switching equipment located in the City's two primary datacenters is the focal point for most of the City's client-server data conversations. The equipment is currently at capacity resulting in bandwidth related bottlenecks within and between network switches serving the datacenters.

The replacement and upgrade of these switches will increase the available ports at the datacenters located at the Tacoma Municipal Building and Tacoma Public Utilities, restore server expansion capability, and provide for a significant increase in response time due to the available capacity correction. The new equipment will provide improved performance, capacity, redundancy and service life.

Competitive Bidding: Request for bid Specification No. IT08-1055F was opened February 3, 2009. Three companies were invited to bid in addition to normal advertising of the project. Three submittals were received.

Bidder	Location <i>(city and state)</i>	Submittal Amount <i>(plus sales tax)</i>
Dimension Data.	Bellevue, WA	\$721,363.86*
Right! Systems, Inc.	Olympia, WA	\$754,816.47*
INX, Inc.	Bellevue, WA	\$764,035.67*

*Less lump sum trade-in of various network components as listed in the bid.

Contract History: New contract.

Funding: Funds for this purchase are available in the 2009/2010 Information Services Fund 5800, cost center 596000, WBS Element number ISY-00111-01.

HUB/LEAP Compliance: Not applicable.

Project Engineer/Coordinator: Steve Taylor, Networks and Communications Manager, 253-404-3790.



Michelle Lewis-Hodges
Information Technology Director

cc: Steve Taylor, IT Manager
Michelle Lewis-Hodges, IT Director
Amy Palmer, Finance/Budget & Research
Larry Dardzinski, Purchasing Manager
Chuck Blankenship, Purchasing Analyst
Kimberly Jackson, Financial Services
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RESOLUTION NO. 37775

BY REQUEST OF COUNCIL MEMBERS LADENBURG, STRICKLAND, AND WALKER

A RESOLUTION relating to community development; expressing the City's support for the Boys & Girls Club, to be located at the South Tacoma Community Center campus, including a five-year commitment to provide operational funding, in the amount of \$250,000 a year, budgeted from the General Fund, for the years 2010 through 2014.

WHEREAS, in 2004, a broad cross section of the community came together with a vision for a dynamic community center to serve South Tacoma, and

WHEREAS, when efforts to acquire a Kroc Center grant went unrealized, the vision was carried forward as part of the 2005 Park Improvement Bond ("Park Bond"); and, with the passage of the Park Bond, partnership funds were allocated for a new center, and

WHEREAS state funding was secured in 2007-2008, and committed partnerships with Tacoma Public Schools and the Boys & Girls Clubs of South Puget Sound provide the foundation for what will become the South Tacoma Community Center campus ("Community Center"), and

WHEREAS Metro Parks Tacoma, Tacoma Public Schools, and the Boys & Girls Club have undertaken a master planning initiative for the new Community Center, and

WHEREAS the work, which began in August 2008, will continue through spring 2009, and

WHEREAS the goal is to establish a definitive plan for the building and other site improvements that tie together the existing South End Recreation Area (“SERA”), Gray Middle School, and the proposed new Topping HOPE Center within a single public campus designed to serve the citizens of South Tacoma and the surrounding region, and

WHEREAS, during the 2009-2010 budget process, the City Council made a commitment to fund the operations of this new Boys & Girls Club for a period of five years, in the amount of \$250,000 a year, for the years 2010 through 2014, and

WHEREAS this resolution expresses the support and commitment of the City Council but does not constitute a contract or agreement outlining the allocation of this funding, and

WHEREAS it is anticipated that an agreement with the Boys & Girls Club will be drafted in 2010; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the City Council expresses its support for the Boys & Girls Club, to be located at the South Tacoma Community Center campus, including a

five-year commitment to provide operational funding, in the amount of \$250,000 a year, budgeted from the General Fund, for the years 2010 through 2014.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney

RESOLUTION NO. 37776

A RESOLUTION relating to health and wellness services; authorizing the execution of Amendment No. 5 to an agreement with MultiCare Health Systems, in the amount of \$80,000, for a cumulative total of \$350,000, budgeted from the Workers Compensation Fund, for employment-related medical examinations and health and wellness services.

WHEREAS, on March 8, 2005, the City Council adopted Resolution No. 36446, authorizing the execution of a two-year agreement with MultiCare Health Systems (“Agreement”), in the amount of \$160,000, for employment-related medical examinations and health and wellness services, and

WHEREAS, on March 20, 2007, the City Council adopted Resolution No. 37128, authorizing the execution of Amendment No. 1 to the Agreement; increasing the Agreement amount by \$80,000, for a cumulative total of \$240,000; and extending the Agreement to December 31, 2007, and

WHEREAS, on February 1, 2008, Amendment No. 2 to the Agreement was entered administratively, increasing the Agreement amount by \$30,000, for a cumulative total of \$270,000, and extending the Agreement to December 31, 2008, and

WHEREAS, on December 31, 2008, Amendment No. 3 to the Agreement was entered administratively, extending the Agreement to February 28, 2009, and

WHEREAS, on February 24, 2009, Amendment No. 4 to the Agreement was entered administratively, extending the Agreement for an indefinite period, and

WHEREAS it is in the City's best interests to execute Amendment No. 5 to the Agreement in order to increase the compensation authorized by the Agreement; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the proper officers of the City are hereby authorized to execute Amendment No. 5 to an agreement with MultiCare Health Systems, in the amount of \$80,000, for a cumulative total of \$350,000, budgeted from the Workers Compensation Fund, for employment-related medical examinations and health and wellness services, said document to be substantially in the form of the proposed amendment on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Assistant City Attorney

ORDINANCE NO. 27793

AN ORDINANCE relating to information technology; authorizing the extension of the cable television franchise ordinance with Comcast of Tacoma, Inc., and Comcast of Puget Sound, Inc., through December 31, 2009.

WHEREAS Substitute Ordinance No. 26323, the current cable franchise ordinance with TCI of Tacoma, Inc., and Cable TV Puget Sound, Inc., now known as Comcast of Tacoma, Inc., and Comcast of Puget Sound, Inc. ("Comcast"), expired on January 9, 2009, and

WHEREAS, on January 6, 2009, the City Council passed Ordinance No. 27764, amending Ordinance No. 26323 by extending the franchise to June 30, 2009, and

WHEREAS the City and Comcast are continuing negotiations of a new cable television franchise, and

WHEREAS the time requirements to accomplish the administrative procedures associated with a new franchise will extend beyond the current deadline, and

WHEREAS an extension will allow for the continuation and completion of the negotiations for a new cable television franchise agreement, and

WHEREAS the public interest will be served by extending the term of the agreement; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

That Section 2.4 of Substitute Ordinance No. 26323 is hereby amended to read as follows:

“The term of the Franchise shall expire December 31, 2009, unless extended by the City with the consent of the Franchisee; provided that said agreement may be terminated sooner in accordance with this Franchise, Title 16, or the Tacoma City Charter.”

Passed _____

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

ORDINANCE NO. 27794

AN ORDINANCE relating to fire code permits; amending Title 3 of the Tacoma Municipal Code by amending Chapters 3.09, 3.10, and 3.12 thereof to increase fees for certain fire code permits, adding certain definitions, and removing outdated language.

BE IT ORDAINED BY THE CITY OF TACOMA:

That Title 3 of the Tacoma Municipal Code, entitled "Fire," is amended, as set forth in the attached Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

EXHIBIT "A"

Chapter 3.09

FIRE CODE PERMITS AND FEES

Sections:

- 3.09.010 Purpose.
- 3.09.015 Adjustments.
- 3.09.020 Definitions.
- 3.09.030 Permits and fees – General Provisions.
- 3.09.032 Construction permits administered by the Building and Land Use Services Division of the Public Works Department.
- 3.09.035 Construction permits administered by the Prevention and Preparedness Bureau.
- 3.09.038 Operational permits and fees.
- 3.09.040 Miscellaneous services and fees.
- 3.09.050 Waivers to fees.

Deleted: Fire Prevention

3.09.015 Adjustments.

Beginning January 1, 2010, the fees and charges specified in this chapter shall be adjusted as soon after the first of each year as the Consumer Price Index ("CPI") information becomes available in accordance with the "Seattle-Tacoma-Bremerton, WA Consumer Price Index (CPI) for All Urban Consumers." At the beginning of each year, the CPI for the year end of 2008 shall be compared with the year end CPI for the year just past, and the fees and charges shall be adjusted accordingly.

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3.09.020 Definitions.

All terminology not defined in this chapter shall be defined as stated in the IFC, as adopted by Chapter 3.02 of this code.

A. Assembly Occupancy. For the purposes of this chapter, a facility designed under the fire and building codes meeting the definition of an "A" Occupancy Classification, including a building not classified as an "A" Occupancy operating under a Temporary Special Events permit, and fairs, large carnivals, outdoor concerts and festivals, and other outdoor events where groups of more than 100 people may gather.

Deleted: to allow more than 299 people to assemble in one room or space at the same time; provided, however, that the term assembly occupancies shall also include all cabarets as defined in Title 6 TMC, regardless of occupancy load. Examples of assembly occupancies shall include, but are not limited to, bars, taverns, casinos, halls, convention centers, restaurants, movie theaters, live theaters, stadiums, and arenas.

B. Fire Protection License. The license required by the Tacoma Fire Department for persons to engage in the installation, maintenance, sale, and performance of confidence testing for all fire protection systems, including fire extinguisher certification and testing and commercial kitchen hood cleaning.

C. Flammable Finishes. Material coatings in which the material being applied is a flammable liquid, combustible liquid, combustible powder, or flammable or combustible gel coating.

D. Hazard Class. The nine general United Nations hazard classes, which are explosives and blasting agents, gases, flammable liquids, flammable solids and reactive liquids and solids, oxidizers and organic peroxides, toxic or poisonous materials and infectious substances, radioactive materials, corrosive materials, and miscellaneous hazardous materials, as defined by the United Nations hazard class.

E. Hazardous Waste Facility. A business engaged in the receiving, handling, or storing of hazardous waste material.

F. Hazardous Waste Material. As defined by RCW 70.105, Hazardous Waste Management, subsection 70.105.010.

G. Hot Work. Operations conducting brazing, torch cutting, grinding, gas or electric welding in a hazardous or Factory occupancy, as defined in the Fire Code. Any location engaged in marine ship repair or construction, any manufacturing operation, or any location systematically using tools for the purpose of conducting hot work. Roofing operations involving the use of open flame, torch down roofing process, and the use of hot tar kettles and tank trucks.

H. Hourly Rate. The current total hourly cost to the jurisdiction, including supervision, overhead, equipment, hourly wages, and fringe benefits of the employee involved.

I. Marine Terminal. Any business that furnishes a wharf, dock, or pier to connect with a highway, rail carrier or pipeline, and/or a water carrier.

J. Marine Fuel Transfer. The transfer of flammable or combustible liquid or gas to or from a vessel or watercraft.

K. Mobile Fueling Company. A company delivering and fueling Class II motor vehicle fuel on an approved site for on-road vehicles.

L. Mobile Fueling Site. The site approved to have on-road vehicles fueled by a Mobile Fueling Company.

M. Nightclub. Facilities meeting the definition established by the state of Washington, as stated in the Washington Building Code, Chapter 51-50 WAC.

N. Person. Any entity, including any person, firm, association, agency, private corporations, or public corporation including any county or municipal corporation, including Tacoma city departments, facilities, and agencies. A responsible person is the person who is legally responsible for obtaining a permit or paying a fee. If more than one person may be legally responsible, the Fire Department may require any of them to obtain the permit or pay the fee.

O. Preengineered Fire Protection System. A system having predetermined flow rates, nozzle pressures, and quantities of agent. These systems have the specific pipe size, maximum and minimum pipe lengths, flexible hose specifications, number of fittings, and number and types of nozzles prescribed by a testing laboratory. The hazards protected by these systems are specifically limited as to type and size by a testing laboratory base upon actual fire tests. Limitations on hazards that can be protected by these systems are contained in the manufacturer's installation manual, which is referenced as part of the listing. These systems typically protect locations such as paint booths and computer server rooms.

Deleted: hourly wage of the

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Deleted: e(s) multiplied by the most recent calculation by the Finance Department representing overhead

Deleted: Industrial Occupancy/Location. For the purpose of issuing permits and collecting fees for cutting and welding operations, any Hazardous or Factory Occupancy as defined by the Fire Code, any location engaged in marine ship repair or construction, any manufacturing operation, or any location systematically using tools for the purpose of conducting hot work.¶

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3.09.030 Permits and fees – General provisions.

Fees for IFC construction and operational permits shall be paid prior to issuance of the permit and completion of inspection. The fees specified in this chapter shall be doubled in any instance where a person starts or continues work for which a permit fee is required prior to obtaining said permit, provided that in no case shall such fee be less than \$200. This section shall be subject to the provisions of Section 3.09.050 TMC. The payment of such double fee shall not relieve any person from full compliance with applicable codes in the execution of the work, nor from any other penalties prescribed by law.

Deleted: and fees

3.09.032 Construction permits administered by the Building and Land Use Services Division of the Public Works Department.

* * *

D. Fire Sprinkler Systems Plan Review and Testing. Any person installing a fire sprinkler-extinguishing system shall pay a fee for plan review and acceptance testing prior to issuance of a permit. The fee shall be calculated as follows: \$620 per riser for the first two risers, plus \$30 for each additional riser/control valve, plus \$3 per sprinkler head for more than 20 sprinkler heads. The following shall not be subject to this subsection D: 13D systems for detached single-family dwelling when not required by code or under alternate method and tenant improvements modifying 20 or fewer sprinkler heads.

Deleted: Fees shall be calculated by multiplying the hourly rate by the actual time worked for each Fire Department employee engaged in the permit service; provided, however, that the minimum time deemed worked per occurrence shall be one-half hour.

* * *

3.09.035 Construction permits administered by the Prevention and Preparedness Bureau.

Deleted: Fire Prevention

The following fees shall be required for each IFC construction permit and for completion of inspection for each permit.

A. Above-ground Tank Permit. A permit is required to install any above-ground tank designed to contain flammable or combustible liquids. The fee shall be \$265 per tank.

B. Underground Tank Installation Permit. One permit per site is required to install or alter any underground flammable or combustible liquid tank. The fee shall be \$265 per tank.

C. Underground Tank Removal or Decommissioning. A permit is required to remove or decommission any underground flammable or combustible liquid tank. The fee shall be \$225 per site. For a residential fuel tank with a capacity of less than 1,100 gallons, the fee shall be \$135.

Deleted: Buried Tank Removal Permit. One permit per site is required to remove any underground flammable or combustible liquid tank. The fee shall be \$225 per site

D. Liquid Petroleum Gas (“LPG”) Tank Permit. A permit is required to install any LPG tank. The fees shall be \$100 for tank of 125-gallon capacity or less. For all other permanent and temporary installations, the fee shall be \$225.

Deleted: Buried Tank Abandonment in Place Permit. A permit is required to leave in place any underground combustible or flammable liquid tank that is no longer in use. The fee shall be \$200 per site.¶

3.09.038 Operational permits and fees.

The following fees shall be required for IFC operational permits. Any person with overdue fees may be denied issuance of additional permits until past due fees are paid. Permit applications must be complete to include all required submittals as stated in permit conditions for the subject permit. Permit will be issued when approved. Applicants not approved will be notified of the denial and reasons for denial. These fees are not refundable.

E. Liquid Petroleum Gas (“LPG”) Tank Permit. A permit is required to install any LPG tank. The fee shall be \$50 for tanks of 125-gallon capacity or less when installed at a residence and \$190 for all other installations.¶
F. Residential Fuel Tanks. Any tank installation or removal permit fee (subsections A, B, C, or D above) for a residential fuel tank serving a single-family residence shall be \$135.¶

Assembly Permits

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A. Assembly Permit-Annual. A permit is required to operate an Assembly Occupancy, as defined in the Building and Fire Code, including, but not limited to, motion picture theaters, symphony and concert halls, theaters, exhibition halls, arenas, and stadiums. The fee is \$200.

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B. Assembly Temporary Special Event Permit. A permit is required for Assembly events meeting any of the following:

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1. The use of a building or part of a building that is not classified as an Assembly Occupancy.
2. An event in an Assembly Occupancy where alterations to the existing exiting configuration, character, or use of the facility are changed in any manner.
3. Operating a fair, large carnival, outdoor concert, festival, or other event where groups of more than 100 people may gather. The fee is \$200.

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C. Bonfire Permit. A permit is required to have an outdoor fire with a fuel diameter greater than three feet and a height greater than two feet. The fee is \$100.

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D. Indoor and Outdoor Booth-Assembly Permit. A permit is required to operate a booth in Indoor and Outdoor Assembly events. For seasonal events that occur on a weekly basis, the season shall be considered an event. The fee scale for the number of booths is as follows:

<u>1-10=</u>	<u>\$50</u>
<u>11-20=</u>	<u>\$100</u>
<u>21-30=</u>	<u>\$200</u>
<u>31-50=</u>	<u>\$300</u>
<u>51 or more=</u>	<u>\$400</u>

E. LPG or Natural Gas Use in Assembly Occupancy-Temporary Use. A permit is required for the use of LPG or Natural Gas for cooking or demonstration and other purposes in an Assembly Occupancy. The fee is \$125.

F. LPG Outdoor Assembly-Temporary Use. A permit is required for the use of LPG in Outdoor Assembly events. For seasonal events that reoccur on a weekly basis, the season shall be considered one event. The fee scale for the number of users is as follows:

<u>1-10=</u>	<u>\$50</u>
<u>11-20=</u>	<u>\$100</u>
<u>21-30=</u>	<u>\$200</u>
<u>31-50=</u>	<u>\$300</u>
<u>51 or more=</u>	<u>\$400</u>

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G. Open Flame in Assembly Permit. A permit is required for the use of open flame entertainment, such as Fire Acts, the use of candles, and Open flame devices in a place of Assembly. The fee is \$200.

H. Tents, Canopies, and Membrane Structures Permit. A permit is required for enclosed tents and membrane structures over 200 sq. ft. and canopies over 400 sq. ft. The fee is \$200.

Hazardous Materials or Processes

A. Hazardous Materials Permit-Annual. No hazardous material may be stored, used, or handled in quantities greater than the maximum allowable quantities per control area as set forth in the IFC by any occupancy unless and until the occupancy receives an Annual Hazard Permit for the specific hazardous material.

1. No occupancy shall store, use, or handle any permitted hazardous material except under the terms and conditions of the permit. Any occupancy storing, using, or handling any hazardous material under terms or conditions not conforming to its permit shall reapply for an amended permit prior to accepting the hazardous material.

2. A permit fee of \$200 shall be paid per one hazardous material if said material falls into more than one UN Hazard Class.

3. A marine terminal with an Annual Marine Terminal Permit shall not pay this fee.

4. Chapter 3.12 TMC shall apply to the storage of fireworks in lieu of this subsection.

B. Hazardous Waste Facility Permit-Annual. Any person in the business of storing, using, or handling hazardous waste material shall obtain a hazardous Waste Facility Permit. The fee is \$680.

1. Financial Resources. All private hazardous Waste Facilities shall annually and periodically, as requested by the Fire Chief, demonstrate to his or her satisfaction the financial resources necessary to successfully mitigate a hazardous waste spill and the resulting contamination to complete disposal of all hazardous materials and containers and to clean up the spill at the facility. Proof of adequate insurance or an adequate surety bond shall constitute sufficient demonstration of financial resources. Insurance in the amount of \$1 million per incident, which covers the following risks, shall constitute sufficient resources: property and casualty, loading, unloading, transportation, remedial environmental mitigation, abandonment, and malicious actions. The insurance policy shall identify the City of Tacoma as an additionally named insured thereunder and stipulate that said policy shall provide primary coverage, regardless of other insurance the City may carry on its own behalf. The City, through the Risk Management Office, shall be given not less than 60 days advance written notice of any termination or material change to the policy. No permit shall be deemed valid if the permit holder's insurance policy changes in such a way as to fail to comply with this chapter.

2. Company Plan. No permit shall be issued until the Hazardous Waste Facility provides a written company plan to demonstrate its preparation to:
a. respond to a spill and carry out appropriate mitigation measures, and
b. completely dispose of all hazardous materials and containers and clean up the facility prior to closure of the facility or when ordered closed by any agency. At a minimum, this plan shall include details on:
(1) notification,
(2) operator mitigation actions,
(3) immediate response available for mitigation assistance,
(4) company contracted to clean up or equipment and supplies available by the company to respond and clean up,
(5) process for safeguarding contaminated materials on the tanker, and
(6) final hazardous waste disposal process.

C. Special Hazardous Material Permit. A permit is required to store, transport on site, dispense, use, or handle hazardous materials in quantities greater than the maximum allowable quantities per control area, as set forth in the IFC when conducted without an Annual Permit. The fee is \$300 per event.

D. Application of Flammable Finishes Permit. Any person engaged in the application of flammable finishes shall obtain approval and a permit from the Fire Department. The fee is \$200 annually.

E. Pyrotechnic Display Permit. No person shall conduct a pyrotechnic display without an approved permit from the Tacoma Fire Department. Additional fees will be incurred if the need for a fire watch inspector exceeds two hours. The initial fee is \$300.

Hot Work

A. Hot Work Permit. A permit is required to conduct operations, including, but not limited to, brazing, torch cutting, grinding, gas or electric welding in a Hazardous or Factory occupancy or location, as defined in the Fire Code. The fee is \$200.

B. Roofing Operations Permit. A permit is required to conduct roofing operations with the use of open flame for torch down roofing operations and hot tar tank trucks and tar kettles. The fee is \$200.

Marine Facilities

A. Marine Terminal Permit-Annual. Any marine terminal that stores or handles one or more hazard classes of hazardous materials shall obtain an Annual Marine Terminal Permit. The fee is \$2,000.

B. Marine Fuel Transfer Permit-Annual. Any person conducting a business in Marine Fuel Transfer from a fixed site shall obtain an Annual Marine Fueling Station permit. The fee is \$200.

C. Shore to Ship Refueling Permit-Annual. Any person conducting a Marine Fuel Transfer from a vehicle to a vessel shall first obtain approval and a permit from the Fire Department. The fee is \$250.

Mobile Fueling

A. Mobile Fueling Site Permit. A permit is required to fuel on-road vehicles with the delivery of Class II fuel from a mobile vendor. The fee is \$200.

B. Mobile Fueling Company Permit. A permit is required to engage in the delivery to approved sites for the delivery of Class II fuel oil. The fee is \$200. For companies requiring vehicle inspections outside the City of Tacoma, an additional fee of \$100 shall be charged.

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~~Deleted:~~ The following fees shall be required for IFC operation permits and for completion of inspection for each permit. Any person with overdue fees may be denied issuance of additional permits until past due fees are paid. The Fire Department shall issue these permits under such terms and conditions it deems appropriate and shall collect these fees. Permit requests must be in writing on an approved permit application form.¶

A. Cutting and Welding Permit. A permit is required to conduct welding or cutting operations in an industrial occupancy or location. The fee shall be \$120. This permit shall be valid for a period of one year for a fixed location.¶

B. Mobile Fueling Site Permit. Initial and annual permits are required for each site on which mobile fueling is to be conducted. The fee shall be \$150 for each initial and for each annual permit. ¶

C. Mobile Fueling Company Permit. Initial and annual permits are required for each company engaging in mobile fueling. The fee shall be \$175 for each initial and for each annual permit. ¶

D. Annual Marine Terminal Permit. Any marine terminal that stores, uses, or handles one or more hazard classes of hazardous materials shall obtain an Annual Marine Terminal Permit and pay a fee of \$2,000 per year. ¶

E. Annual Hazardous Materials Permit. No hazardous material may be stored, used, or handled in quantities greater than the minimum allowable quantities ... [1]

~~Deleted:~~ whenever any person requests the Fire Department to perform an inspection as required by the Fire Code and a representative of the person ... [2]

~~Deleted:~~ whenever a Fire Prevention Bureau inspector determines that a fire protection system is not ready for a requested inspection;

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3.09.040 Miscellaneous services and fees.

The Fire Department shall collect the following additional fees:

* * *

D. Alternate Method Review Fee. Whenever a building owner or other responsible party proposes to use an alternate material or method to meet the intent or requirement of the Fire Code, the responsible party shall pay a fee for field inspection, research, and analysis performed by Fire Department personnel to evaluate the proposal. An initial fee of \$250 shall be paid at the time of submittal for consideration. The applicant shall pay an additional fee when more than four hours of work is performed for field inspection, research, and analysis. The additional fee will be calculated based upon the applicable hourly rate multiplied by the number of staff hours worked multiplied by the number of staff hours worked.

E. Re-test Fee for Fire Protection System Acceptance Testing. A person shall pay a re-test fee for subsequent acceptance inspections under the following circumstances:

1. Whenever a Prevention and Preparedness Bureau inspector determines that a fire protection system is not ready for a requested inspection or the applicant fails to appear;

2. Whenever a Prevention and Preparedness Bureau inspector determines that the inspection reveals a significantly unacceptable or incomplete system.

The Fire Chief, or his or her designee, may require this fee to be paid prior to additional inspections. The fee shall be \$170 per participating staff personnel, or the hourly rate for participating personnel multiplied by the number of hours worked, whichever is the greater.

F. Off Duty Hours Inspection Fee. When any person requests acceptance testing or Certificate of Occupancy inspection at a time outside the normal business hours of 7 a.m. to 5 p.m. PST of the Prevention and Preparedness Bureau, the person shall pay a fee of \$200 per participating staff person for an inspection completed within two hours and, thereafter, \$100 per half hour per staff person for each additional half hour or fraction thereof.

G. Fire Watch. The Fire Chief, or his or her designee, shall determine when Fire Department personnel must conduct a fire watch due to code requirements, excessive occupant load, the unusual nature of the event, the use of pyrotechnics or fireworks, the existence of hazardous condition, the inoperability of the fire protection system, or other conditions affecting safety at the event or at the property. The person responsible for the facility shall pay a fee of \$200 for the first two hours and \$100 for each subsequent half hour or a fraction thereof. If more than one person is required for the fire watch, the person responsible for the facility shall pay an additional \$100 per half hour, per additional person. The Fire Chief or designee may notify the responsible person of the period of the fire watch and the resulting fee prior to the event.

H. Re-Inspection Fee. Whenever Prevention and Preparedness Bureau personnel are required to perform an inspection after three inspections by any Fire Department personnel due to

noncompliance with Fire Code requirements, the responsible person shall pay a fee in the amount of \$150. This fee shall be charged for each inspection performed by Prevention and Preparedness Bureau personnel until compliance with the Fire code requirements has been accomplished. This fee shall be charged each and every time Prevention and Preparedness Bureau personnel reinspect a facility for noncompliance with Fire Protection System-monitoring code requirements.

I. Late Fee for Annual Fire Protection System (“FPS”) Confidence Test Reports. Any person responsible for the maintenance of an FPS shall be subject to an FPS Tracking Maintenance fee when found by the Fire Department to be in violation of Chapter 901.6 or 901.7 of the IFC, as adopted by Chapter 3.02 TMC. When a person fails to forward results of a valid test to the Prevention and Preparedness Bureau within 60 days of the date the testing results are due at the Prevention and Preparedness Bureau, the person shall pay an initial fee of \$100 and an additional fee of \$100 each additional month or portion thereof that the violation continues.

* * *

L. Public Records of the Fire Department. A maximum fee of \$0.15 per page may be collected for reproduction of any Fire Department record subject to public disclosure in addition to the cost of postage where applicable. For digital information on compact disc, the fees established in Chapter 2.09 TMC shall be charged.

* * *

P. Civil Interview, Trial and Deposition, and Declaration/Affidavit/Statement Fee Schedule. A civil interview shall include any conversation with a Fire Department employee regarding his or her knowledge regarding a referenced incident or generalized knowledge relating to expert testimony and written exchange, including, but not limited to, informal interviews, depositions, court testimony, arbitrations and similar hearings, and requests to review and/or sign documents. Any person interviewing a Fire Department employee or asking that an employee review a written statement regarding information obtained in the course of his or her employment shall pay a fee as calculated below. The methodology that shall be used to calculate the appropriate hourly rate to be charged shall be as follows:

1. The City shall select the top step hourly wage rate without longevity for each employee class code at regular time for all appointive and unrepresented employees and at the overtime rate for all classified employees plus 50 percent of that hourly rate as an estimate of the additional charge for employee benefits to determine the base hourly charge. However, for consistency and standardization purposes, interview fees for Prevention and Preparedness Bureau employees conducting fire investigations shall be calculated by dividing the sum of all individual hourly rates of all employees of all ranks assigned to conduct fire investigations by the total number of employees so assigned.

* * *

4. Interviews with Prevention and Preparedness Bureau staff shall be scheduled by contacting the Prevention and Preparedness Bureau. All other interviews shall be scheduled by contacting Fire Department headquarters.

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3.09.050 Waivers to fees.

The Fire Chief or his or her designee may waive fees under the following situations:

* * *

E. Permit fees may be waived for good cause.

F. Applicants Classified as 501(c)(3). Nonprofit organizations may apply for a waiver of Assembly event permit fees by submitting the Waiver of Fees Request Form.

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Chapter 3.10

Mobile Fueling Operating and Permitting Requirements

Sections:

3.10.010 Title and purpose.

3.10.020 Scope.

3.10.030 Prohibitions.

3.10.040 Permits.

3.10.041 Revocation of permits.

3.10.050 Definitions.

3.10.060 Mobile Fueling company requirements.

3.10.070 Mobile Fueling tanker requirements.

3.10.080 Mobile Fueling operation requirements.

3.10.090 Mobile Fueling site requirements.

3.10.100 Penalties.

3.10.010 Title and Purpose.

The purpose of this chapter is to delineate the operating and permitting requirements to conduct mobile fueling operations throughout the City, and to specify limitations for mobile fueling within the South Tacoma Groundwater Protection District and Aquifer. The International Fire Code ("Fire Code"), adopted as Chapter 3.02 TMC, addresses the conditions and regulations governing the dispensing of motor vehicle fuel from tank vehicles into the fuel tanks of on-road motor vehicles.

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3.10.020 Scope.

These requirements pertain to the dispensing of Class II Combustible Liquids, diesel fuel from a cargo tanker to the fuel tank of an on-road motor vehicle.

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The Fire Department, after 12 months of permitted mobile fueling operations, shall conduct a meeting for the purpose of reviewing information regarding mobile fueling of on-road vehicles as regulated under this ordinance. Representatives from the City of Tacoma Environmental Commission, Tacoma Fire Department, Utility Services Engineering Division of Public Works, Tacoma-Pierce County Health Department, representatives of the petroleum industry and their customers, and representatives of other organizations which have expressed an interest to the Fire Department will be invited. A report will be prepared by the Fire Department for the City Council.

3.10.040 Permits.

An annual permit shall be obtained for each business engaged in mobile fueling. An annual permit shall be obtained for each site where mobile fueling is to be performed. Each cargo tanker engaged in mobile fueling activities shall also be licensed by the City of Tacoma under Chapter 6B.150 TMC as an Oil and Gas delivery vehicle. Each cargo tanker engaged in mobile fueling activities shall meet the requirements listed below. The Tacoma Fire Department shall be responsible for the issuance of the required permits. All sites and tankers shall be inspected prior to issuance of an initial or annual permit.

3.10.050 Definitions.

A. Mobile fueling: The operation of filling fuel tanks of on-road vehicles with a Class II Combustible Liquid, diesel fuel from cargo tankers. Mobile fueling is also known as fleet fueling, wet fueling, and wet hosing.

* * *

3.10.070 Mobile Fueling Tanker Requirements.

A. Cargo Tanker Licenses. Each cargo tanker shall be licensed by the City of Tacoma under Chapter 6B.150 TMC as an Oil and Gas delivery vehicle. All required equipment, safety features, and devices shall be in full working order at all times.

B. Emergency Shut-Off Valve. The cargo tanker shall have an approved emergency shut-off valve.

C. Permit Papers. Each cargo tanker shall carry proof of the mobile fueling company permit.

3.10.080 Mobile Fueling Operation Requirements.

Driver's License. Operators must possess the appropriate Washington State Commercial Driver's License to operate vehicles carrying hazardous materials (i.e., CDL with tank vehicle endorsement and hazardous materials endorsement).

3.10.090 Mobile Fueling Site Requirements.

A. Site Permits. Site permits shall include language directing the permittee to notify all persons and parties who have an interest in the property wherein mobile fueling will be occurring. The permittee shall inform all persons and parties with an identifiable property interest regarding the existence of risk in the activity and the extent of insurance coverage provided by the fueling company.

B. Permit Renewal. Each site shall be permitted annually. The permittee shall notify the Fire Prevention Bureau (591-5740) whenever site alterations are made which affect locations of fueling, or prior to any change in fueling companies. Permits are not transferable between parties or companies.

C. Marking of Fueling Sites. Each site shall have marked locations where fueling is permitted to occur. This marking shall be made either by signage (above gravel or dirt) and/or blue lines (on pavement). A fire official will indicate the specific markings during the permit inspection. Exception: Marking may be omitted when a site map has been approved and is posted at the facility and with the cargo tanker's operator.

D. Locations of Fueling. Each location permitted for fueling shall be:

(i) at least 15 feet from all buildings, combustible storage, compressed gas tanks and Class I, II, or III storage tanks. Exception: The distance to storage tanks can be eliminated if the tanks are tested and labeled as two-hour protected tank assemblies. Exception: Structures constructed of non-combustible materials, open on all four sides and used solely for covered vehicle parking, are

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Deleted: B. DOT Requirements. Cargo tankers must comply with all 49 CFR 178 requirements for DOT 406 cargo tankers, except that DOT 306 cargo tankers shall be allowed to engage in mobile fueling when documentation indicates compliance with all DOT-required retro fit installation for manhole covers. Documentation from a DOT Registered Inspector with "R Class" Washington State L&I Boiler License shall be proof of compliance. Cargo tankers shall maintain compliance with DOT requirements.¶
C. DOT Inspections. All cargo tankers shall have satisfactorily passed an annual visual and kinetic inspection and five-year internal and pressure inspection, per DOT standards, by a DOT Registered Inspector with "R Class" Washington State L&I Boiler License.¶
D. Flammable Liquids. No gasoline or other Class I flammable liquids shall be used or carried on a cargo tanker used for mobile fueling. Compartments regularly containing Class I flammables, but "emptied," and fuel tanks providing fuel to the engine of a tanker are expres... [3]

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exempt from this separation distance. Fueling may be permitted to occur inside such structures; and

~~(ii) protected by continuous pavement (cement or asphalt) which is in good repair. Exception: Protection by continuous pavement is not required for sites outside the South Tacoma Groundwater Protection District if tanker vehicles are fitted with an approved automatic start and stop nozzle, and a remote auto shut-off is carried on operator.~~

~~E. Unusual Hazards. Mobile fueling shall not be permitted where unusual exposures to life or property exist.~~

~~E. Bodies of water and designated wetlands.~~

* * *

Deleted: (ii) at least 25 feet from building openings, storm drains or any source of ignition. Exception: The distance to storm drains can be eliminated if an approved storm drain cover is placed over the drain prior to any fueling or hose being placed within 25 feet. When placement of a storm drain cover will cause the accumulation of excessive water or difficulty in safely conducting the fueling, it shall not be used and fueling shall not take place within 25 feet. Storm drains that direct intake to approved oil water separators need not be covered; and¶

Deleted: (iii) at least 25 feet from property lines, streets, alleys or public ways. The distance to property lines, streets, alleys, or public ways may be reduced to 15 feet when the ground is distinguishably sloped away from that property line, street, alley, or public way. The distance may be further reduced by permit when a barrier is present which prevents liquid flow off site (i.e., 4-inch curbs or other barriers); and¶

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Deleted: G. Zoning. The property must be located in a geographic area zoned to allow vehicle fuel dispensing stations. Mobile fueling at properties zoned in residential districts and planned development districts is prohibited.¶

H. Access. The operation shall not be performed where the general public has ready access. For example, no special barriers would be necessary in most industrial areas because these areas are not normally locations where the general public lingers or normally obtains access. Sites to which the general public can obtain easy access must be restricted by use of barriers or remoteness or must be fenced to prevent access.¶

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Chapter 3.12

FIREWORKS

3.12.020 Definitions.

A. "Chief" means the Chief of the Tacoma Fire Department.

B. "Common fireworks" means any fireworks designed primarily to produce visible or audible effects by combustion. The term includes ground and hand-held sparkling devices, including items commonly known as dipped sticks, sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, flitter sparklers, smoke devices, helicopters, aerials, spinners, roman candles, mines, shells, and Class C explosives classified on January 1, 1984, as common fireworks by the United States Department of Transportation. The term does not include fireworks commonly known as firecrackers, salutes, chasers, skyrockets, and missile-type rockets.

C. "Fireworks" means any composition or device, in a finished state, containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and classified as common or special fireworks.

D. "Special fireworks" means any fireworks designed primarily for exhibition display by producing visible or audible effects. The term includes:

1. Fireworks commonly known as sky rockets, missile type rockets, firecrackers, salutes, and chasers; and

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2. Fireworks which are not classified as common fireworks.

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E. "Special effects" means any combination of chemical elements or chemical compounds capable of burning independently of the oxygen in the atmosphere, designed and intended to produce an audible, visual, mechanical, or thermal effect as a necessary part of motion picture, radio, television, theatrical, or opera productions.

3.12.030 Permits.

* * *

E. The fee for indoor display of fireworks shall be ~~\$300~~, per event.

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The following fees shall be required for IFC operation permits and for completion of inspection for each permit. Any person with overdue fees may be denied issuance of additional permits until past due fees are paid. The Fire Department shall issue these permits under such terms and conditions it deems appropriate and shall collect these fees. Permit requests must be in writing on an approved permit application form.

A. Cutting and Welding Permit. A permit is required to conduct welding or cutting operations in an industrial occupancy or location. The fee shall be \$120. This permit shall be valid for a period of one year for a fixed location.

B. Mobile Fueling Site Permit. Initial and annual permits are required for each site on which mobile fueling is to be conducted. The fee shall be \$150 for each initial and for each annual permit.

C. Mobile Fueling Company Permit. Initial and annual permits are required for each company engaging in mobile fueling. The fee shall be \$175 for each initial and for each annual permit.

D. Annual Marine Terminal Permit. Any marine terminal that stores, uses, or handles one or more hazard classes of hazardous materials shall obtain an Annual Marine Terminal Permit and pay a fee of \$2,000 per year.

E. Annual Hazardous Materials Permit. No hazardous material may be stored, used, or handled in quantities greater than the minimum allowable quantities per control area as set forth in IFC Chapter 27 by any occupancy unless and until the occupancy receives an Annual Hazard Permit for the specific hazardous material.

1. No occupancy shall store, use, or handle any permitted hazardous material except under the terms and conditions of the permit. Any occupancy storing, using or handling any hazardous material under terms or conditions not conforming to its permit shall reapply for an amended permit prior to accepting the hazardous material.

2. Whenever any hazardous materials of any number under permit fall within a hazard class, a permit fee of \$200 shall be paid for the class, provided that only one fee shall be charged per one hazardous material if said material falls into more than one class.

3. A marine terminal with an Annual Marine Terminal Permit shall not pay this fee.

4. Chapter 3.12 TMC shall apply to the storage of fireworks in lieu of this subsection.

F. Marine Terminal Special Hazardous Material Permit. Any marine terminal that stores, uses, or handles hazardous materials in excess of the quantities or conditions set forth in the "Hazardous Materials Transportation Permit Requirements" issued by the Fire Department shall obtain a Special Hazardous Materials Permit and pay a fee of \$300 per hazard class per event. Half of the total fee shall be paid concurrent with the request of the marine terminal for the permit. This pre-paid fee shall be non-refundable. The second half of the total fee shall be paid upon issuance of the requested permit.

G. Hazardous Waste Facility Permit Including Spill Plan Requirement. Any person in the business of storing, using, or handling hazardous waste material shall obtain an Annual Hazardous Waste Permit and pay a fee of \$680. The Hazardous Waste Facility Permit and fee do not apply to a business that temporally stores a hazardous waste that is a by-product of its operations. This permit is in addition to the Annual Hazardous Materials Permit. When both permits are required, the fee otherwise required under the Annual Hazardous Materials Permits for the first three hazard classes shall be waived.

1. Financial Resources. All private Hazardous Waste Facilities shall annually and periodically, as requested by the Fire Chief, demonstrate to his or her satisfaction the financial resources necessary to successfully mitigate a hazardous waste spill and the resulting contamination, to complete disposal of all hazardous materials and containers and to clean up the spill at the facility. Proof of adequate insurance or an adequate surety bond shall constitute sufficient demonstration of financial resources. Insurance in the amount of \$1 million dollars per incident, which covers the following

risks, shall constitute sufficient resources: property and casualty, loading, unloading, transportation, remedial environmental mitigation, abandonment and malicious actions. The insurance policy shall identify the City of Tacoma as an additionally named insured thereunder, and stipulate that said policy shall provide primary coverage, regardless of other insurance the City may carry on its own behalf. The City through the Risk Management Office shall be given not less than 60 days advance written notice of any termination or material change to the policy. No permit shall be deemed valid if the permit holder's insurance policy changes in such a way as to fail to comply with this chapter.

2. Company Plan. No permit shall be issued until the Hazardous Waste Facility provides a written company plan to demonstrate its preparation to (a) respond to a spill and carry out appropriate mitigation measures and (b) to completely dispose of all hazardous materials and containers and to clean up the facility prior to closure of the facility or when ordered closed by any agency. At a minimum, this plan shall include details on (1) notification, (2) operator mitigation actions, (3) immediate response available for mitigation assistance, (4) company contracted to clean up or equipment and supplies available by the company to respond and clean up, (5) process for safeguarding contaminated materials on the tanker, and (6) final hazardous waste disposal process.

H. Pyrotechnic/Open Flame Entertainment Display Permit. No person shall conduct a pyrotechnic display or entertainment act using open flame, explosions, or explosive devices without first obtaining approval and a permit from the Fire Department and paying a fee of \$200. The person responsible for the pertinent location shall be charged and pay a fire watch fee to ensure the safety of the public and the premises.

1. The permitted person shall comply with requirements of Chapter 2.03 TMC, IFC, NFPA Standard 1126, Use of Pyrotechnics before a Proximate Audience, and all conditions listed on the permit.

2. If, in the opinion of the Fire Chief, the event, display, or act would not be in the best interest of any child, juvenile, or adult, the permit shall be denied. Parties denied a permit may appeal to the Public Safety and Human Services Committee of the City Council.

I. Annual Assembly Permit. A commercial assembly occupancy shall obtain an annual assembly permit and pay a fee of \$200.

J. Special Event Assembly Permit. Persons organizing a special assembly event where more than 100 people would reasonably be estimated to gather in one room or space inside a building not classified as an assembly occupancy or at an outside location not designed for assembly that is open to the public shall obtain a Special Event Assembly Permit from the Fire Department. The fee for the Special Event Assembly Permit shall be \$190. Persons organizing such assembly events shall comply with provisions of the fire and building codes and provide adequate life safety to those assembled. A Special Assembly Permit and fee payment of \$190 shall also be required for an assembly occupancy before allowing an assembly that alters exiting, design, or conditions allowed under an Annual Assembly Permit or Building and Fire Codes.

K. Annual Marine Fuel Transfer Permit: Any person conducting a business in Marine Fuel Transfer from a fixed site shall obtain an Annual Marine Fueling Station permit and pay a fee of \$200.

L. Shore to Ship Refueling Permit. Any person conducting a Marine Fuel Transfer from a vehicle to a vessel shall first obtain approval and a permit from the Fire Department and pay a fee of \$250.

M. Limited Spray Finishing Permit. Any person engaged in the business of application of flammable or combustible liquids by means of a spray apparatus for touch-up or spot painting of a surface area of nine square feet and less shall obtain approval, and a permit from the Fire Department and pay a fee of \$200 per year.

N. Spray Finishing Permit. Any person engaged in the application of flammable or combustible liquids by means of a spray apparatus for a surface of more than nine square feet shall obtain approval and a permit from the Fire Department and pay a fee of \$200 on an annual basis.

O. Portable, Open Flame Fueled Devices: Portable, open flame fueled devices shall not be allowed in any occupancy without first obtaining a permit from the Fire Department. A person may be issued this permit on a yearly or special event basis for a single location. The fee for the permit shall be \$100. Except: No portable, open flame fueled device fee shall be charged occupancies with an appropriate Annual Hazardous Materials Permit.

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whenever any person requests the Fire Department to perform an inspection as required by the Fire Code and a representative of the person fails to appear within 15 minutes of the original appointment time

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B. DOT Requirements. Cargo tankers must comply with all 49 CFR 178 requirements for DOT 406 cargo tankers, except that DOT 306 cargo tankers shall be allowed to engage in mobile fueling when documentation indicates compliance with all DOT-required retro fit installation for manhole covers. Documentation from a DOT Registered Inspector with "R Class" Washington State L&I Boiler License shall be proof of compliance. Cargo tankers shall maintain compliance with DOT requirements.

C. DOT Inspections. All cargo tankers shall have satisfactorily passed an annual visual and kinetic inspection and five-year internal and pressure inspection, per DOT standards, by a DOT Registered Inspector with "R Class" Washington State L&I Boiler License.

D. Flammable Liquids. No gasoline or other Class I flammable liquids shall be used or carried on a cargo tanker used for mobile fueling. Compartments regularly containing Class I flammables, but "emptied," and fuel tanks providing fuel to the engine of a tanker are expressly prohibited. This requirement shall not preclude the practice known as "switch loading" when done in compliance with UFC 7904.5.2.9.

E. Fueling Hose. The fueling hose may not be extended beyond 50 feet. Exception: When approved, the fueling hose maybe extended up to a distance of 125 feet if the operator carries a remote emergency shut-off device capable of stopping the flow of fuel. The approved distance shall be determined by the demonstrated distance by which the remote emergency shut-off reliably operates or as denoted by the manufacturer, whichever distance is less. The hose shall be clearly marked at the approved distance. The approved distance marking on the hose shall consist of a band, the length of which shall be a minimum of 12 inches. The marking shall be of contrasting color to the hose. The inside diameter of the hose shall not exceed 1-1/4 inch.

F. Clean Up Supplies. Cargo tankers shall carry the following minimum clean up supplies at all times: non-water absorbents pads capable of absorbing a minimum of 15 gallons of petroleum; a loose granular absorbent material capable of absorbing a minimum of 5 gallons of petroleum, a storm drain cover; a non-water absorbent containment boom, a minimum of 10 feet in length with a 12-gallon minimum absorbent capacity; a non-metallic shovel, and two five-gallon buckets with lids. These supplies shall be readily available in an uncontaminated location.

G. Fuel Limit Device. A cargo tanker shall have a "fuel limit device" limiting the amount of a single fueling operation to a maximum of 500 gallons, unless the tanker's operator has on his or her person at all times a remote emergency shut-off device which stops the flow of fuel.

H. Nozzles. The dispensing nozzle shall be an approved listed automatic closing-type hose nozzle without a latch-open device or an approved auto start and stop nozzle with a latch-open device. Gravity feeding fuel to motor vehicle fuel tanks is prohibited.

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J. Fire Extinguishers. The cargo tanker shall have a fire extinguisher, with a minimum rating of 2A 20BC, located in a readily accessible location.

K. Purpose of Cargo Tanker. The cargo tanker must be specifically adapted to the function of supplying fuel to a motor vehicle fuel tank. This requirement does not preclude utilizing the cargo tanker for other purposes.

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A. Training. Operators shall receive approved annual training in use of fire extinguishers, spill control measures, and emergency procedures, and shall be trained in handling and dispensing motor fuels.

B. Spill Notification. Operators shall directly notify the Tacoma Fire Department (9-1-1) upon the occurrence of any spill not immediately retained by the spill pan and/or absorbent.

C. Unattended Tankers. Cargo tankers shall not be left unattended while in service. Cargo tankers shall not be left unattended with fuel in the cargo. Exception: Cargo tankers may be left unattended if located in an approved, secured area.

D. Signs. Signs stating “No Smoking or Open Flame within 25 feet” shall be visible and readable at the fueling site.

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F. Positioning of Cargo Tankers. Cargo tankers shall be positioned in respect to vehicles to be fueled so as to preclude traffic from driving over the delivery hose and between the cargo tanker and the vehicles being fueled. Cargo tankers shall not block Fire Department access roads. The cargo tanker shall be located on the permitted site when fueling is conducted.

G. Fuel Hose in Traffic Lane. At no time shall the fueling hose extend across a trafficable lane without florescent traffic cones conspicuously placed so that all vehicle traffic is blocked.

H. Over Fill Protection. Operators shall place a drip pan or absorbent, in good condition, under each fuel tank prior to and during all dispensing operations. A drip pan shall be liquid tight. The pan or absorbent shall have a capacity of at least 3 gallons. Spills retained in the drip pan or absorbent pillow need not be reported.

I. Drip Protection. Operators, when fueling, shall have on their persons an absorbent pad capable of capturing diesel foam overflow. Except during filling, an absorbent pad shall be kept under the nozzle and the nozzle shall face upwards.

J. Attendance during fueling. The operator shall not leave the point of dispensing while fuel is being transferred.

K. Emergency Communications. The operator shall be able to communicate a distress signal directly to the Fire Department at all times, and be capable of initiating the company’s emergency response plan.

L. Warning Lights. The cargo tanker parking brake and the hazard warning lights shall be activated during fueling operations. A revolving yellow light, visible from all directions, may be used in lieu of a vehicle’s built-in hazard warning lights.

M. Topping Off. Fuel expansion space shall be provided in each motor vehicle tank to prevent overflow. The operator shall cease filling and remove the fill nozzle when the automatic shut-off engages. Tanks shall not be topped off.

N. Lighting. The operator shall provide lighting that provides clear illumination at the point of fueling.

O. Motors. The motor of the tank vehicle and motor vehicle being fueled shall be shut off during fueling operations. Exception: The motor of the tank vehicle may be operated if it is required to conduct dispensing operations.

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B. South Tacoma Groundwater Protection District Permits. Facilities proposing to engage in mobile fueling in the South Tacoma Groundwater Protection District must be approved for such

activity by the Tacoma-Pierce County Health Department prior to issuance of a permit by the Tacoma Fire Department.

D. Lighting. The site shall have yard lighting capable of providing a 1.0 foot candle of light at all fueling locations. At sites lacking the required lighting, fueling operations will be restricted to daylight hours. Exception: Fueling may occur if the fueling company cargo tankers have flood lights which provide equivalent generalized yard lighting in the area of the tanker and fueling operation.

ORDINANCE NO. 27795

AN ORDINANCE relating to the Compensation Plan; amending Sections 1.12.355 and 1.12.640 of the Tacoma Municipal Code; declaring the effective dates thereof to implement rates of pay and compensation for employees represented by the International Brotherhood of Electrical Workers, Local 483, Click! Unit; and changes in classifications to reflect organizational structure.

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 1.12.355 of the Tacoma Municipal Code is

amended, retroactive to January 1, 2009, to read as follows:

Code	Title	1	2	3	4	5	6	7	8	9	10
5517	Network Operations Center Technician	15.82	16.59	17.42	18.30	19.21	20.17	21.18	22.25	23.35	24.52
5540	Telecommunications Network Construction Technician	22.90	24.04	25.24	26.49	27.84	29.22	30.68	32.21	33.82	35.51
5543	Telecommunications Network Technician	22.90	24.04	25.24	26.49	27.84	29.22	30.68	32.21	33.82	35.51
5518	Telecommunications Technician 1	14.34	15.05	15.82	16.59	17.42	18.30	19.21	20.17	21.18	22.25
		11	12								
		23.35	24.52								
5516	Telecommunications Utility Worker	13.24	13.90	14.58	15.32	16.08	16.90	17.74	18.62	19.55	

Code	Title	1	2	3	4	5	6	7	8	9	10
5517	Network Operations Center Technician	<u>16.29</u>	<u>17.09</u>	<u>17.94</u>	<u>18.85</u>	<u>19.79</u>	<u>20.78</u>	<u>21.82</u>	<u>22.92</u>	<u>24.05</u>	<u>25.26</u>
5540	Telecommunications Network Construction Technician	<u>23.59</u>	<u>24.76</u>	<u>26.00</u>	<u>27.28</u>	<u>28.68</u>	<u>30.10</u>	<u>31.60</u>	<u>33.18</u>	<u>34.83</u>	<u>36.58</u>
5543	Telecommunications Network Technician	<u>23.59</u>	<u>24.76</u>	<u>26.00</u>	<u>27.28</u>	<u>28.68</u>	<u>30.10</u>	<u>31.60</u>	<u>33.18</u>	<u>34.83</u>	<u>36.58</u>
5518	Telecommunications Technician 1	<u>15.07</u>	<u>15.81</u>	<u>16.62</u>	<u>17.43</u>	<u>18.30</u>	<u>19.23</u>	<u>20.18</u>	<u>21.19</u>	<u>22.25</u>	<u>23.38</u>
		11	12								
		<u>24.53</u>	<u>25.76</u>								
5516	Telecommunications Utility Worker	<u>13.91</u>	<u>14.60</u>	<u>15.32</u>	<u>16.10</u>	<u>16.89</u>	<u>17.76</u>	<u>18.64</u>	<u>19.56</u>	<u>20.54</u>	

Section 2. That Section 1.12.650 of the Tacoma Municipal Code is

amended, effective as provided by law, to read as follows:

1.12.640 Application of additional rates.

* * *

5516 A Telecommunications Utility Worker (CSC 5516), when assigned in writing as Lead, shall receive an applied rate of 10 percent additional pay per hour above the current step rate of pay. The classification of Telecommunications Utility Worker (CSC 5516) is comprised of all non-automatic steps, and progression within the salary range is based on merit. A Telecommunications Utility Worker (CSC 5516) will be eligible to receive non-automatic steps 8 and 9 based on criteria set forth within the collective bargaining agreement.

5516 A Telecommunications Utility Worker (CSC 5516) assigned to work in a vault or manhole that exceeds 60 inches in depth and contains either (1) exposed energized secondary bus or (2) energized primary wire or equipment, shall be paid a 3 percent application of rate above his or her regular rate of pay for the time actually worked in the vault, with a two-hour minimum.

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5517 A Network Operations Center Technician (CSC 5517) when designated by management as Lead shall receive an additional 10 percent above the current step.

5518 A Telecommunications Technician I (CSC 5518) must pass a skills test prior to advancing beyond step 8. A Telecommunications Technician I, when designated by management as Lead, shall receive an additional 10 percent above the current step.

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5518 A Telecommunications Technician I (CSC 5518) assigned to work in a vault or manhole that exceeds 60 inches in depth and contains either (1) exposed energized secondary bus or (2) energized primary wire or equipment, shall be paid a 3 percent application of rate above his or her regular rate of pay for the time actually worked in the vault, with a two-hour minimum.

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* * *

5540 A Telecommunications Network Construction Technician (CSC 5540) must pass a skills test prior to advancing to step 7 and must pass a skills test prior to advancing to step 10. A Telecommunications Network Construction Technician, when assigned by management as Lead over a group or project, shall receive an additional 10 percent above the current step.

5540 A Telecommunications Network Construction Technician (CSC 5540) assigned to work in a vault or manhole that exceeds 60 inches in depth and contains either (1) exposed energized secondary bus or (2) energized primary wire or equipment, shall be paid a 3 percent application of rate above his or her regular rate of pay for the time actually worked in the vault, with a two-hour minimum.

5543 A Telecommunications Network Technician (CSC 5543) must pass a skills test prior to advancing to step 7 and must pass a skills test prior to advancing to step 10. A Telecommunications Network Technician, when assigned by management as Lead over a group or project, shall receive an additional 10 percent above the current step.

5543 A Telecommunications Network Technician (CSC 5543) assigned to work in a vault or manhole that exceeds 60 inches in depth and contains either (1) exposed energized secondary bus or (2) energized primary wire or equipment, shall be paid a 3 percent application of rate above his or her regular rate of pay for the time actually worked in the vault, with a two-hour minimum.

Section 3. That Section 1 of this ordinance shall become effective retroactive to January 1, 2009 That Section 2 of this ordinance shall become effective as provided by law.

Passed _____

Mayor

Attest:

City Clerk

Approved as to Form:

Deputy City Attorney