



Legislation Passed August 17, 2010

The Tacoma City Council, at its regular City Council meeting of August 17, 2010, 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.

Purchase Resolution No. 38090

Awarding contracts to:

1. Right! Systems Inc., in the amount of \$277,821.48, including sales tax, budgeted from the Information Services Fund, for hardware and software maintenance support of the Cisco computer data network through August 10, 2011 – Washington State Contract No. T06-MST-001;
2. Braun Northwest, Inc., on its bid of \$279,427.00, plus sales tax, budgeted from the EMS Special Revenue Fund, for two Type III Ambulance Medic transport vehicles – Specification No. FD10-0248F; and
3. Recall Total Information Management, Inc., in the amount of \$245,000.00, sales tax not applicable, for a cumulative total of \$584,000.00, budgeted from various General Government and Tacoma Public Utilities departmental funds, to increase and extend the contract for off-site storage of inactive records and related services through December 19, 2012 – Specification No. CT05-0507F.

Resolution No. 38091

Adopting the revised Policy on Place Names and Name Changes.

Resolution No. 38092

Designating the Edgecliff Apartments, located at One North Broadway, as a historic landmark and placing said property on the Tacoma Register of Historic Places.

Resolution No. 38093

Authorizing the execution of Amendment No. 261 to the Tacoma Community Redevelopment Authority (TCRA) Agreement, authorizing the TCRA to reallocate \$100,000 of Community Development Block Grant (CDBG) Recovery funds from the Hazardous Sidewalk Repair Program to the Affordable Housing Fund Program and to reallocate \$100,000 of CDBG funds from the Affordable Housing Fund Program to the Hazardous Sidewalk Repair Program.

Resolution No. 38094

Authorizing the execution of a ten-year sublease agreement with the University of Washington Tacoma, for revenue in the amount of \$293,640 annually, plus inflation adjustments, with the option to extend for two additional five-year periods, for 6,003 square feet of office and laboratory space at the Center for Urban Waters facility.

Resolution No. 38095

Authorizing the execution of a Track Reconfiguration Agreement with the Washington State Department of Transportation, and the Puget Sound and Pacific Railroad to reconfigure the railroad junction at Blakeslee Junction in Chehalis, Washington.

Resolution No. 38096

Proclaiming August 21, 2010 as One Thousand Man and Young Man March Day in Tacoma.

Ordinance No. 27908

Amending Chapter 2.01 of the Municipal Code, relating to the Minimum Building and Structures Code, to require notifications for substandard and derelict properties to be sent by first-class mail only and changing all penalty amounts to \$250 per day.



RESOLUTION NO. 38090

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;

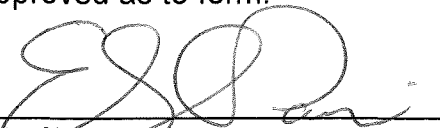
() D. Waiver of competitive bidding procedures in those instances, as set forth in Exhibit "A," in which it is impracticable to obtain supplies or public works improvements by competitive bid, or in those instances in which supplies and/or public works are available from a single source.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:


City Attorney



City of Tacoma
Information Technology Department

EXHIBIT "A"
RESOLUTION NO.: 38090
ITEM NO.: 1
MEETING DATE: AUGUST 17, 2010

DATE: July 26, 2010
TO: Board of Contracts and Awards
SUBJECT: Cisco Network Hardware and Software Maintenance
Budgeted from Information Services Fund 5800
State of Washington Department of Information Services Contract T06-MST-001

RECOMMENDATION: The Information Technology Department, Infrastructure Support Division, Networks and Communications, recommends a contract be awarded to **Right! Systems Inc., Tumwater, WA**, for \$277,821.48, including applicable sales tax, for the purchase of hardware and software maintenance support of the Cisco computer data network through August 10, 2011.

EXPLANATION: This contract will provide network hardware and software maintenance support for the City's Cisco computer data network, which includes, SMARTnet (8x5xNBD), SMARTnet Premium (24x7x4); IPS Svc; (AR, NBD); Software Application Support.

COMPETITIVE BIDDING: The State of Washington, Department of Information Services (DIS) Contract T06-MST-001 is a competitively bid contract valid until November 11, 2010, with a one-year renewal option available, and includes the network hardware and software maintenance. Through an interlocal cooperative purchasing agreement, the City of Tacoma purchase will be at the State of Washington DIS contract prices, terms, and conditions, and meets competitive bidding requirements.

CONTRACT HISTORY: New contract.

FUNDING: Funds for this are available in the 2010 Information Services Fund 5800.

HUB/LEAP COMPLIANCE: Not applicable.

PROJECT ENGINEER/COORDINATOR: Steve Taylor, Infrastructure Support Division, 253.404.3790.

For Michelle Lewis-Hodges
Information Technology Director

jr(WLP:mr)

cc: Chuck Blankenship, Purchasing Analyst
Bill Bogue, Assistant Information Technology Director
Steve Taylor, Networks and Communications Manager
Teresa Slosar, Administrative Services Manager



City of Tacoma
Fire Department

EXHIBIT "A"

RESOLUTION NO.: 38090

ITEM NO.: 2

MEETING DATE: AUGUST 17, 2010

DATE: August 2, 2010

TO: Board of Contracts and Awards

SUBJECT: **Purchase of Two or More Type III Ambulance Medic Transport Vehicles**
Budgeted from the EMS Special Revenue Fund 1155
Request for Bids Specification No. FD10-0248F

RECOMMENDATION: The Tacoma Fire Department recommends a contract be awarded to **Braun Northwest, Inc., Chehalis, Washington**, for purchase of two Type III Ambulance Medic transport vehicles, in the amount of \$279,427.00, plus sales tax, including selected options.

EXPLANATION: This purchase is intended to provide two new additional Type III Ambulance Medic emergency transport vehicles for existing units of the Emergency Medical Services (EMS) Division of the Fire Department's Emergency Operations Bureau. Medic Units are staffed each shift with two Firefighter Paramedics that respond to fires and medical emergencies requiring advanced life support (ALS) intervention.

COMPETITIVE SOLICITATION: Request for Bids (RFB) Specification No. FD10-0248F was opened July 13, 2010. Three responses were received in response to the RFB. A selection evaluation committee comprised of Fire Department administrative and vehicle maintenance personnel met July 29, 2010, to review the bids received. Prior to the meeting, Fire staff completed a bid analysis of the bids received. Attached is the summary of that analysis for the two lowest cost bidders. The bid received from Taylor Made Ambulances did not include drawings of the filtration system bid, which was a requirement. The bid also lacked dimensional measurements for most compartments of the vehicle body. No local vendor maintenance facility was identified for the vehicles, which also is a requirement. For these and other reasons, the selection evaluation committee determined that the bid of Taylor Made Ambulances was non-responsive. The committee unanimously recommended that a contract be awarded to the low bidder, Braun Northwest.

<u>Respondent</u>	<u>Location (city and state)</u>	<u>Cost (without tax)*</u>
Braun Northwest, Inc.	Chehalis, WA	\$279,427.00
Taylor Made Ambulances	Newport, AR	\$281,384.00**
Sawtooth Emergency Vehicles	Boise, ID	\$293,963.00

* Bid prices include cost for selected options.

** Bid declared non-responsive.

CONTRACT HISTORY: New contract.

FUNDING: Funding to support the purchase is available in the 2009-2010 EMS Special Revenue Fund budget (Fund 1155, Cost Center 609100, Cost Element 5641500). After acceptance and payment, the vehicles will be donated to the City's Equipment Rental Fund and leases for their eventual replacement will be commenced. The leases also will be paid from the EMS Fund.

HUB/LEAP COMPLIANCE: Not applicable.

PROJECT ENGINEER/COORDINATOR: Roger Edington, Medical Services Officer
(253) 591-5705

Sincerely,



RONALD W. STEPHENS
Fire Chief

RWS:MF:mw

Attachment

cc: Jayne McCartney, Purchasing Analyst
Percy Jones, HUB
Peter Guzman, LEAP



City of Tacoma
Finance Department

EXHIBIT "A"

RESOLUTION NO.: 38090

ITEM NO.: 3

MEETING DATE: August 17, 2010

DATE: July 29, 2010

TO: Board of Contracts and Awards

SUBJECT: Records Storage Services
Budgeted from General Government and Tacoma Public Utilities funds for this contract are provided by the using departments
Request for Proposals CT05-0507F
Contract No. 4600003054

RECOMMENDATION: The Finance Department, Purchasing Division requests approval from the Public Utility Board and City Council to increase and renew citywide SAP Contract 46-3054 to **Recall Total Information Management, Inc., Atlanta GA**, by \$245,000, sales tax not applicable, for off-site storage of inactive records and related services. This increase includes an additional \$70,000 for the current contract period, plus \$175,000 for the upcoming two-year renewal period. The contract cumulative aggregate total would be \$584,000, sales tax not applicable.

EXPLANATION: The renewal of this contract will provide continued records management, storage and retrieval services for the City of Tacoma. The \$70,000 increase to the current contract is needed due to higher than anticipated departmental requests for destruction of eligible records with expired retention dates. The City has 22,000 records boxes in storage with this vendor.

The \$175,000 request for the two-year renewal period extends the contract through December 2012. Recall Total Information Management has agreed to maintain 2005 contract pricing, terms, and conditions. Contract renewal with the same competitive pricing is favorable in light of the potential the cost associated with migrating data to a new location as well as reducing the potential for lost records.


COMPETITIVE BIDDING: This contract was originally awarded to Recall Total Information Management Inc, formerly Pacific Records Management, as a result of Request for Proposals Specification No. CT05-0507F in November, 2005. The contractor has agreed to renew the contract for an additional two-year period.

CONTRACT HISTORY: The original contract for \$339,000 was awarded per City Council Resolution No.36700, November 15, 2005, and Utility Board Resolution No. U-10012, November 9, 2005. These increases will bring the contract to a cumulative aggregate total of \$584,000, sales tax not applicable, for the period of December 19, 2005, through December 19, 2012. This is the first amendment to the contract. The two-year period from December 19, 2010, through December 19, 2012, is the only renewal option allowed under this contract.

FUNDING: General Government and Tacoma Public Utilities funds for this contract are provided by the using departments.

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PROJECT ENGINEER/COORDINATOR: Jayne McCartney, Purchasing Analyst, 253-502-8249.



Kathy Katterhagen
Procurement and Payables Manager

RESOLUTION NO. 38091

A RESOLUTION relating to community development; authorizing the adoption of the City's revised *Policy on Place Names and Name Changes*.

WHEREAS, on July 25, 1989, the City Council adopted Resolution No. 30525, establishing the City's official *Policy on Place Names and Name Changes* ("Policy"), which Policy designated the Landmarks Preservation Commission ("Commission") as the City Council designee for evaluating proposals for naming public property and for considering name changes to public property, and

WHEREAS, in fall 2008, the City Council requested that the Commission review the existing Policy regarding place names, including the review process, ways to improve public outreach, better criteria and process for considering street name change requests, and improved definitions of historical significance, and

WHEREAS, on July 22, 2009, the Commission voted to recommend the proposed changes to the City Council and made revisions to the recommendation by motion on April 14, 2010, in response to the City Council's feedback, and

WHEREAS, on March 1, 2010, and May 19, 2010, the Neighborhoods and Housing Committee considered the proposed revisions, and

WHEREAS, on June 21, 2010, this was presented to the Neighborhoods and Housing Committee, which gave it a "do pass"; Now, Therefore,

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

That the proposed revised *Policy on Place Names and Name Changes* is adopted, said document to be substantially in the form of the proposed *Policy on Place Names and Name Changes* on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

RESOLUTION NO. 38092

A RESOLUTION relating to historic preservation; adding the proposed landmark to the Tacoma Register of Historic Places and imposing controls upon the Edgecliff Apartments, a landmark designated by the Landmarks Preservation Commission under Chapter 13.07 of the Tacoma Municipal Code.

WHEREAS the Tacoma Landmarks and Historic Districts Code, Chapter 13.07 of the Tacoma Municipal Code (“TMC”), establishes a procedure for the designation and preservation of structures and areas having historical, cultural, architectural, archaeological engineering, or geographic importance, and

WHEREAS the Landmarks Preservation Commission (“Commission”) held a public meeting on July 14, 2010, and a public hearing on July 28, 2010, to receive public comment and consider the historic significance of the Edgecliff Apartments (“Property”), and

WHEREAS, on July 14, 2010, notice was sent to property owners within a 400-foot radius of the Property and published in the Tacoma News Tribune, as well as posted online and sent via electronic mail to the Commission’s distribution list, on July 21, 2010, and

WHEREAS, according to Section 13.07.040 TMC, the Commission has found that the property meets the eligibility requirements for listing on the Tacoma Register of Historic Places, and

WHEREAS, based upon said findings, the City Council believes that it would be in the best interest of the City to designate the Property described below as a historic landmark and place it on the Tacoma Register of Historic Places; Now, Therefore,

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

Section 1. Designation. That, pursuant to the provisions of Chapter 13.07 of the Tacoma Municipal Code (“TMC”), the Council of the City of Tacoma approves the designation of the following property as a historic landmark and places said property on the Tacoma Register of Historic Places:

1. EDGECLIFF APARTMENTS

more particularly described as: One North Broadway, Tacoma, WA 98403

That portion of the Northeast quarter of the Southeast quarter of Section 32, Township 21 North, Range 03 East, W.M. described as follows;

Lots 15, 16 and 17, Block 3010, Map of New Tacoma, Washington Territory, according to the plat thereof filed for record February 3, 1875, in Pierce County, Washington

Parcel Number: Parcel A 2030100070

based upon satisfaction of the following standards of TMC 13.07.040:

- A.** Is associated with events that have made a significant contribution to the broad patterns of our history; and
- B.** Is associated with the lives of persons significant in our past; and
- C.** Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction.

Section 2. Controls. A Certificate of Approval must be obtained from the Landmarks Preservation Commission, pursuant to Section 13.07.090 TMC et seq., or the time for denying an application for a Certificate of Approval must have expired before the owners may make alterations or changes to the following property:

1. Edgecliff Apartments
Specifically, changes to the exterior of the existing building, but excluding the site.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Legal Description Approved:

Deputy City Attorney

Chief Surveyor
Public Works Department

RESOLUTION NO. 38093

A RESOLUTION relating to community and economic development; authorizing the execution of Amendment No. 261 to the Tacoma Community Redevelopment Authority ("TCRA") Agreement, authorizing the TCRA to reallocate \$100,000 of Community Development Block Grant ("CDBG") Recovery funds from the Hazardous Sidewalk Repair Program to the Affordable Housing Fund Program and to reallocate \$100,000 of CDBG funds from the Affordable Housing Fund Program to the Hazardous Sidewalk Repair Program.

WHEREAS the Tacoma Community Redevelopment Authority ("TCRA") is a public corporation, organized and existing pursuant to its charter, Chapter 1.60 of the Tacoma Municipal Code, and the laws of the state of Washington, and

WHEREAS the City entered into an agreement ("TCRA Agreement") with the TCRA, authorizing it to administer federal funds in fulfilling the purposes and objectives of federal programs and grant agreements under which such funds are made available, and

WHEREAS, on June 2, 2009, the City Council adopted Resolution No. 37802, authorizing the adoption of the 2009 Substantial Second Amendment ("Second Amendment") to the 2008-2009 Annual Action Plan of the Consolidated Plan for Housing and Community Development to include housing, community and economic development activities, and human services funding from the Federal American Recovery and Reinvestment Act of 2009, and

WHEREAS the Second Amendment allocated \$100,000 of Community Development Block Grant Recovery ("CDBG-R") funds to the Hazardous

Sidewalk Assistance Program to assist approximately 50 income-eligible homeowners in the replacement of deteriorated hazardous sidewalks along their properties, and

WHEREAS, subsequent to allocating the CDBG-R funds, additional information regarding the use of the funds indicated they were better-suited for use in the Affordable Housing Program, and

WHEREAS the Community and Economic Development Department Director has recommended that the TCRA Agreement be amended to provide authorization to TCRA to reallocate \$100,000 of CDBG-R funds from the Hazardous Sidewalk Repair Program to the Affordable Housing Fund Program and to reallocate \$100,000 of CDBG funds from the Affordable Housing Fund Program to the Hazardous Sidewalk Repair Program; 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. 261 to the Tacoma Community Redevelopment Authority Agreement (“TCRA Agreement”), authorizing the TCRA to reallocate \$100,000 of Community Development Block Grant (“CDBG”) Recovery funds from the Hazardous Sidewalk Repair Program to the Affordable Housing Fund Program and to reallocate \$100,000 of CDBG funds from the Affordable Housing Fund

Program to the Hazardous Sidewalk Repair Program, said document to be substantially in the form of the proposed Amendment No. 261 on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

RESOLUTION NO. 38094

A RESOLUTION relating to the leasing of City facilities; authorizing the execution of a ten-year sublease agreement with the University of Washington Tacoma, with the option to extend for two 5-year periods, for approximately 6,003 square feet of office and laboratory space at the Center for Urban Waters facility.

WHEREAS, on June 14, 2005, the City Council adopted Resolution No. 36548, authorizing the execution of a research agreement, in the amount of \$500,000, with the University of Washington Tacoma ("UWT") to prevent recontamination of the Thea Foss Waterway, and

WHEREAS, the funding from the City plus funding from other partners allowed the UWT to endow a research chair whose research focus is the science of urban water bodies, and

WHEREAS, over the past several years, the City and the UWT have been working together on the design of the endowed chair's research laboratories at the Center for Urban Waters, and

WHEREAS, it is in the City's best interest to execute a sublease agreement with the UWT for approximately 6,003 square feet of office and laboratory space at the Center for Urban Waters facility; 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 a ten-year sublease agreement with the University of Washington Tacoma, with the option to extend for two 5-year periods, for approximately 6,003 square feet of office and laboratory space at the Center for Urban Waters facility, said

document to be substantially in the form of the proposed sublease agreement on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

RESOLUTION NO. 38095

A RESOLUTION relating to City-owned property; authorizing the execution of a Track Reconfiguration Agreement with the Washington State Department of Transportation and the Puget Sound and Pacific Railroad to reconfigure the railroad junction at Blakeslee Junction in Chehalis, Washington.

WHEREAS, in 2006, the Washington State Department of Transportation (“WSDOT”) proposed a reconfiguration to the Tacoma Rail Mountain Division and the Puget Sound and Pacific Railroad rail lines to allow for the widening of Interstate 5 through the Chehalis area at Blakeslee Junction, and

WHEREAS City staff reviewed the plans and agreements for this project, as the project developed, to ensure that the interests of the railroads were met in the final design, and

WHEREAS the cost estimate for the project is approximately \$2,225,000 and will be funded by WSDOT; the City will be reimbursed for costs associated with advertising and constructing the project, and

WHEREAS, on December 12, 2006, the City Council adopted Resolution No. 37059, authorizing the funding for this project, and

WHEREAS WSDOT will acquire the necessary right-of-way for the reconfiguration to occur, and

WHEREAS this proposed agreement will authorize WSDOT to acquire property in Tacoma Rail’s name whereby said property shall directly vest with the Tacoma Rail Mountain Division; 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 a Track Reconfiguration Agreement with the Washington State Department of Transportation and the Puget Sound and Pacific Railroad to reconfigure the railroad junction at Blakeslee Junction in Chehalis, Washington, said document to be substantially in the form of the proposed agreement on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Chief Deputy City Attorney

RESOLUTION NO. 38096

BY REQUEST OF MAYOR STRICKLAND AND COUNCIL MEMBERS
LONERGAN AND WOODARDS

A RESOLUTION relating to community development; proclaiming
August 21, 2010, as One Thousand Man and Young Man March Day in
Tacoma.

WHEREAS it is the desire of the City to encourage, inspire, and
empower its men to be actively involved in their children's education and to
aggressively channel children into positive life models away from gangs, crime,
and all illicit activity, and

WHEREAS, in an effort to promote the awareness of the need for men to
fulfill their responsibilities to their families and their community, the City wishes
to express its support by proclaiming August 21, 2010, as One Thousand Man
and Young Man March Day; Now, Therefore,

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

That the members of the City Council hereby proclaim August 21, 2010, as
One Thousand Man and Young Man March Day in Tacoma.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney

ORDINANCE NO. 27908

AN ORDINANCE relating to the minimum building code; amending Section 2.01.060 of the Tacoma Municipal Code to require notifications for substandard and derelict properties to be mailed by first class only and changing all penalty amounts to \$250 per day.

WHEREAS the proposed revisions to mailing notices first class only for substandard and derelict buildings will allow for a more efficient process while maintaining a reasonable means of notification, and

WHEREAS changing the penalty amounts to \$250 per day will achieve consistency; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 2.01.060 of the Tacoma Municipal Code is amended, as set forth in the attached Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to Form:

Deputy City Attorney

EXHIBIT "A"

2.01.060 Administration and Process.

A. Initial Filing of Complaint.

An initial enforcement determination shall be undertaken against buildings or properties, whenever:

1. The Building Official, the Public Works Director, the Director of the Tacoma-Pierce County Health Department, the Police Chief, or the Fire Chief, or their duly authorized representatives, have reason to believe that a violation of this Code exists.
2. A complaint is filed with the City of Tacoma Department of Public Works by any person, provided that where complaints have been filed by tenants, that the tenant first exhaust all remedies provided through the Washington State Landlord Tenant Act. Complaints may be received either verbally or in writing.

B. Inspection and Evaluation of Buildings and Property.

When a complaint has been filed, or there are other reasons pursuant to normal enforcement of the Tacoma Municipal Code, the Building Official shall inspect the building and property. Based on the inspection, the Building Official shall then determine whether the building and/or property is in violation of this chapter and the degree of violation. All properties where an evaluation inspection is performed shall be evaluated against the standards of "Substandard Property" listed in Table B, "Fire and Life Safety Hazards" listed in Table C, "Derelict Buildings or Structures" listed in Table D, and "Dangerous Buildings or Structures" listed in Table E. Substandard Properties shall be assigned violation points, in accordance with Table B and Table C, and the provisions of Subsection C, Violation Tables. In addition, violations listed in Table C, "Fire and Life Safety Hazards," shall be referred to the Building Official, the Fire Chief, and/or the Electrical Inspection Manager, as appropriate, for evaluation as to whether immediate action is necessary. The standards against which properties shall be evaluated are set forth in Section 2.01.070, Minimum Building Requirements.

C. Violation Tables.

During the evaluation inspection, and any subsequent inspections of the building and property, the Building Official shall note each violation and evaluate the property in accordance with Table B, Table C, Table D, and Table E. Once all violations are listed, and if it is determined that the property is substandard, the points, as listed in Table B and Table C, for each violation listed against the property, shall be totaled to determine the degree of violation. The course of action shall be in accordance with Table A.

Where a building or structure contains violations listed in Table D, Derelict Buildings or Structures, the building or structure shall be declared a Derelict Building or Structure and processed according to the procedures set forth in Subsection E, Derelict Buildings or Structures Procedures.

Where a building or structure contains violations listed in Table E, Dangerous Buildings or Structures, that building or structure shall be declared a Dangerous Building or Structure and processed according to the procedures set forth in Subsection F, Dangerous Buildings or Structures Procedures.

Groups of buildings on the same property may be processed under a single complaint process.

D. Substandard Property

1. General. Where all violations are unrelated to the buildings and structures on the property, the complaint against the property shall be processed under the applicable provisions of the Tacoma Municipal Code.
2. Standard Property. Property which has been inspected and evaluated, and which received 24 or less violation points, shall be considered standard property and in compliance with this chapter, and no action shall be taken. The complaint shall be closed and all accumulated documentation filed.
3. Non-Standard Property Warning. The owner of property which, by an external inspection, is evaluated as being maintained in a substandard condition and receives 25 to 49 violation points, shall be considered non-standard property and sent a letter describing the substandard conditions and the appropriate actions

for mitigating these conditions. The owner shall be advised, in writing, that the property is in a declining state, and that if conditions worsen, more formal mitigating actions will be undertaken. Once the advisory letter is sent, the complaint shall be closed and all accumulated documentation filed. The property may be reinspected one year from the date of the letter and the property may be reevaluated to determine whether additional enforcement procedures need to be taken.

4. Substandard Property Violation. When any property has been inspected and receives 50 or more points as set forth in Table A, the owner shall be notified by letter that the property is “substandard”, and the letter shall describe the violations and the appropriate actions for mitigating these violations.

54. Owner Notification, Penalties, Reinspection and Appeals for Substandard Properties shall all be governed by Subsection F, Building Enforcement Procedures.

E. Derelict Buildings or Structures.

1. General. This section shall apply to all buildings, structures, and properties, residential or commercial, which have been evaluated as being Derelict Buildings or Structures, in that the building or structure contains one or more violations listed in Table D, Derelict Buildings or Structures. By definition, Derelict Buildings or Structures are unfit for human occupancy.

2. Posting and Placement of Utility Restraint. Derelict Buildings or Structures shall be posted “MUST NOT BE OCCUPIED.” See Subsection HG, Posting of Buildings. Simultaneously, utility restraints shall be placed on such buildings or structures. See Subsection IH, Utility Restraints.

Buildings, which are posted, shall not be occupied for any purpose until repaired to eliminate the violations listed in the Notice of Violation, to the satisfaction of the Building Official. In addition, the building shall only be authorized to be entered for preparing a time schedule and a repair plan to be submitted to the Department of Public Works for approval. Upon approval of the time schedule and repair plan, the owner or his or her representatives will be authorized to enter the building to effect repairs. No other entry or occupancy of the building shall be permitted until the repairs are completed and approved by the Building Official.

3. Owner Notification, Penalties, Reinspection and Appeals for Derelict Properties shall all be governed by Subsection F, Building Enforcement Procedures.

F. Building Enforcement Procedures.

1. Owner Notification and Penalties.

a. When any property has been evaluated, by inspection, as being “Substandard Property” or “Derelict Property”, the owner shall be notified by ~~both first class and certified mail return receipt requested~~, describing the violations and stating that the building, structure, or property has been found to be in violation of this chapter and is “Substandard” or “Derelict.” The owner shall be given 30 calendar days from the date of the notice to respond to the Building Official to negotiate a repair schedule.

If the building is designated as “Derelict Property”, the owner shall be given 10 calendar days from the date of the notice to secure the building, in accordance with Section 2.01.090, Unoccupied or Vacant Building Standards. The notice shall include the standards for securing an unoccupied or vacant building. . In addition, such notification will state that either an Eminent Domain Condemnation proceedings or a Dangerous Building proceedings may be initiated if there is not a workable plan and schedule submitted or substantial improvement of the property does not occur in substantial compliance with the agreed upon plan and schedule. Such proceedings may result in the loss of the building(s) and property or the demolition of the building(s).

b. In the event a valid response to the first notice outlined in subsection (a) is not received in the allotted time, a civil penalty ~~in the amount of \$250 or penalties, in accordance with the first penalty assessment in Table F,~~ may be assessed. These penalties are intended to be only for remedial purposes. A new letter, stating the assessment of penalties, shall be sent ~~by first class mail in accordance with the procedures set forth above.~~ The owner shall be given 14 calendar days from the date of the second letter to respond to the letter, and to negotiate a repair schedule with the Department of Public Works for correcting the violations to the satisfaction of the Building Official.

c. In the event a valid response to the second notice as outlined in subsection (b) is not received in the allotted time, an additional civil penalty ~~in the amount of \$250 or penalties, in accordance with the second penalty assessment in Table F,~~ may be assessed. A third letter, stating the additional assessments of penalties, shall be sent ~~by first class mail, in accordance with the procedures set forth above.~~ The owner shall be given 14 calendar days from the date of the third letter to respond, and to negotiate a repair schedule with the Department of Public Works for correcting the violations to the satisfaction of the Building Official.

d. The process described in Subsection (c) above shall be repeated on a regular schedule and ~~a~~ civil penalty~~ies~~ may be assessed every ~~day 14 calendar days~~ until such time as there is a valid response, ~~each time assessing penalties in accordance with the Second Penalty and Subsequent Assessments in Table F.~~ In the event that no response is received and penalties have accumulated in excess of \$1,000.00, the City shall file a Certificate of Complaint with the Pierce County Auditor to be attached to the title of the property. A copy of the Certificate of Complaint shall be sent to the property owner and all tenants, if different from the owner.

e. Penalties shall be billed to the owner. Penalties unpaid after 60 calendar days may be referred to a collection agency, approved by the City of Tacoma, for collection.

f. Each day that a property or person is not in compliance with the provisions of this chapter may constitute a separate violation of this chapter.

2. Response to Notification. The response to the City shall be the development of a written schedule for repairing the building, jointly agreed upon by the owner and the City. The schedule shall include:

a. Time for developing and submitting acceptable construction plans, specifications, and calculations for the repair of the building or structure.

b. Time for actually repairing the building or structure once a building permit has been issued. Such time line may include intermediate progress goals, as appropriate.

c. Once an acceptable schedule has been determined and agreed to, construction plans, specifications, and calculations for the repair of the building or structure shall be developed and submitted to the City for approval with the time limits set by the schedule. Once the plans and specifications have been approved for permit, the permit shall be obtained within 14 calendar days of notification that the permit is ready. The work authorized by the permit shall proceed according to a schedule jointly agreed upon by the owner and the City, verified by inspection.

d. If permits are not required, the repair schedule shall outline when the violations identified in the Substandard or Derelict Property Report will be corrected.

e. EXCEPTIONS:

The Building Official may grant extensions to the repair schedule, or agree to an alternative repair schedule, for sufficient reasons on written request. Such requests must be filed with the Building Official prior to the deadlines set for the completion of the construction.

3. Reinspection and Penalties. Once a valid response is received and a schedule is set, the property shall be reinspected upon request by the owner, to assess that progress is being made in correcting the violations and adhering to the agreed upon schedule. If progress, in accordance to the schedule, is not being made to the satisfaction of the Building Official, or the owner has not scheduled a required inspection, penalties may be issued, ~~up to \$250 per day, in accordance with Table F.~~ At each inspection of the property, the status of the action shall either remain in the present category or shifted to Derelict or Dangerous Buildings or Structures categories based on whether any of the violations are listed in Table D, Derelict Building and Structures or Table E, Dangerous Buildings or Structures. Once an enforcement action is undertaken, it shall be continued until all outstanding violations have been corrected.

The Building Official may also issue penalties in ~~the amount of \$250 per day accordance with Table F~~ if, after the initial contact, any of the following occur:

a. the owner and the City cannot agree upon a repair schedule, or extension thereto or

- b. the owner does not submit plans and specifications for approval, according to the schedule, for the repair of the building, or
- c. the owner fails to obtain the permits in a timely manner when they are ready to be issued, or
- d. the owner fails to start repairs, or
- e. the owner, once having started repairs, fails to meet intermediate progress goals.

This penalty procedure shall be repeated in accordance with Subsection 1 above (Owner Notification and Penalties) until progress, satisfactory to the Building Official, is made.

4. Violations Corrected. Once the building, structure, and property violations have been corrected to the satisfaction of the Building Official, the case shall be closed and, if appropriate, a final report relative to the action placed in the City's files, and any Certificates of Complaint filed with the Pierce County Auditor against the title of the property shall be removed by the City on payment of any assessed penalties and any costs incurred by the City for securing the property.

5. Reviews by the Building Official.

a. General. A person, firm, or corporation who received a Notice of Violation for a Substandard or Derelict Building(s), or a civil penalty, may request an administrative review of the Notice of Violation for a Substandard or Derelict Building(s) or the civil penalty.

An appeal of a civil penalty which has been issued in accordance with this chapter shall be limited to assessing any progress which the property owner has made in correcting the violations identified in the first notice, or the property owner's compliance with the repair schedule that led to the issuance of the civil penalty.

b. How to Request Administrative Review.

i. Appeal of a Notice of Violation. A person, firm, or corporation may request an administrative review by the Building Official of the Notice of Violation for a Substandard or Derelict Building(s), by filing a written request with the Department of Public Works within 30 calendar days of the first notification date of violations,

ii. Appeal of a civil penalty. A person, firm, or corporation may request an administrative review by the Building Official of a civil penalty by filing a written request with the Department of Public Works within 10 calendar days of the date the civil penalty was issued.

The request shall state in writing the reasons the Building Official should review the Notice of Violation or the issuance of the civil penalty. Failure to state the basis for the review in writing shall be cause for dismissal of the review. Upon receipt of the request for administrative review, the Building Official shall review the information provided.

c. Decision of Building Official. After considering all of the information provided, including information from the code enforcement officer and the City Attorney, or his or her designee, the Building Official shall affirm, or modify the Notice of Violation for the Substandard or Derelict Building(s), or the amount of any monetary penalty assessed. The Building Official's decision shall be delivered in writing to the appellant by first-class mail ~~and by certified mail, return receipt requested.~~

6. Appeals of the Decision of the Building Official to Hearing Examiner.

Appeals of the Decision resulting from the Building Official's Review shall be made to the Hearing Examiner within 30 calendar days from the date of the Building Official's Decision. The Hearing Examiner, upon receipt of a properly filed appeal, shall set a hearing date, and the appellant shall be notified of the hearing date by first-class mail, ~~and by certified mail, return receipt requested.~~ Proceedings in regard to appeals filed under this section shall be conducted in accordance with the requirements of Tacoma Municipal Code 1.23 and Office of the Hearing Examiner Rules of Procedure for Hearings. The Hearing Examiner shall issue Findings of Fact and Order, based on the hearing, in writing, delivered to the appellant by first-class mail, ~~and by certified mail, return receipt requested.~~

7. Buildings Declared Derelict or Substandard. When a building or structure, or any aspect of a building or structure, is Derelict or Substandard by the definitions set forth in Section 2.01.050, Table B, Table C, and Table D of this chapter, those aspects which were declared Derelict and Substandard shall be repaired to

the minimum building requirements set forth in Section 2.01.070, and the minimum standards of repair set forth in Section 2.01.080 of this chapter, as directed by the Building Official.

8. Alternate Procedures. Where Derelict Building Proceedings undertaken against a property have extended over a period of time to where it is necessary to file a Certificate of Complaint with the Pierce County Auditor, the Building Official may undertake one of the two following procedures to mitigate the Derelict Status of the Building:

a. Procure the Property through Eminent Domain: Where the property undergoing the Derelict Building Procedure is of sufficient value to be repairable, the Building Official may obtain the property through eminent domain, pursuant to the provisions of the Revised Code of Washington (RCW) 35.80A.

b. Start Dangerous Building Proceedings: Where the property undergoing the Derelict Building Procedure is in a state where it is more economical to demolish the building(s) on the property, the Building Official may initiate Dangerous Building Proceedings pursuant to Tacoma Municipal Code 2.01.060.F and Table E of this chapter.

G. Dangerous Buildings or Structures Procedures.

1. General. This section shall apply to all buildings, structures, and properties, residential or commercial, which have been evaluated as being Dangerous Buildings and Structures in that the building or structure contains one or more violations listed in Table E, Dangerous Buildings or Structures. Dangerous Buildings or Structures, by definition, are unfit for human occupancy, are potentially dangerous to life and limb, and/or are in a condition where it is unfeasible to repair.

2. Posting and Placement of Utility Restraint. Dangerous buildings or structures shall be posted "MUST NOT BE OCCUPIED." See Subsection [HG](#), Posting of Buildings. Simultaneously, utility restraints shall be placed on such buildings or structures. See Subsection [IH](#), Utility Restraints.

Buildings, which are posted, shall not be occupied for any purpose until repaired to eliminate the violations listed in the Notice of Violation, to the satisfaction of the Building Official. In addition, the building shall only be authorized to be entered for preparing a time schedule and a repair plan to be submitted to the Department of Public Works for approval. Upon approval of the time schedule and repair plan, the owner or his or her representatives will be authorized to enter the building to effect repairs. No other entry or occupancy of the building shall be permitted until the repairs are completed and approved by the Building Official.

3. Owner Notification. The owner shall be notified that the building, structure, or property has been found to be in violation of this chapter and is dangerous. The owner shall be given 10 calendar days from the date of the notice to secure the building, in accordance with Section 2.01.090, Unoccupied or Vacant Building Standards. The notice shall include the standards for securing a vacant building. The owner shall be given 30 calendar days from the date of the notice to respond to the Building Official to negotiate a plan of action.

4. EXCEPTION: Where there is an imminent danger to life or property, the building can be secured by the order of the Building Official, Police Chief, Fire Chief, or Director of the Tacoma-Pierce County Health Department, and the cost assessed to the owner in accordance with the provisions of RCW 35.80.030(h).

The response to the City shall be a written plan for repairing or demolishing the building. The written response shall include a schedule, jointly agreed upon by the owner and the City, for the repair or demolition of the building or structure. The schedule shall include:

a. Time for developing and submitting acceptable construction plans, specifications, and calculations for the repair or demolition of the building or structure.

b. Time for actually repairing or demolishing the building or structure once a building permit has been issued. Such time line may include intermediate progress goals, as appropriate.

Once acceptable construction plans, specifications, and calculations for the repair or demolition of the building or structure have been submitted to the City and have been approved for permit, the permit shall be obtained within 14 calendar days of notification that the permit is ready. The work authorized by the permit shall proceed according to the schedule jointly agreed upon by the owner and the City. Such schedule shall comply with the Building Code provisions governing the expiration of permits.

5. EXCEPTIONS:

- a. The Building Official may agree for sufficient reason to accept an alternate time schedule for the repair or demolition of the building.
- b. The Building Official may grant extensions to the time schedule for sufficient reasons, on written request. Such requests must be filed with the Building Official prior to the deadlines set for the completion of the construction.

6. Dangerous Building Complaint to be Initiated. In event of any of the following, the City shall prepare a Dangerous Building Complaint against the building and property, in accordance with Subsection 7, Contents of Dangerous Building Complaints, and schedule a hearing in accordance with Subsection 8, Hearing Procedures:

- a. There is no response from the owner to the notification.
- b. The response to the notification by the owner is negative.
- c. An agreement cannot be reached in respect to the extent of the repairs of the building or the time schedule for the repair or demolition of the building.
- d. The owner defaults on the time schedule for obtaining the necessary permits and beginning construction or demolition.
- e. The owner, once having started construction or demolition, does not substantially adhere to the agreed-upon schedule, or abandons the construction or demolition.

Once the building, structure, and property violations have been corrected to the satisfaction of the Building Official, the case shall be closed and, if appropriate, a final report relative to the action placed in the City's files, and any Certificates of Complaint, Dangerous Building Complaints, or Findings of Fact and Order filed with the Pierce County Auditor against the title of the property shall be removed by the City on payment of any assessed penalties and any costs incurred by the City for securing the property.

7. Contents of Dangerous Building Complaints. The complaint issued by the Building Official must be in writing and shall be sent by first-class mail and by certified mail, return receipt requested, to all persons having any interest in and to the property, as shown by the records of the Pierce County Auditor, of any building or structure found by the Building Official to be a Dangerous Building within the definition set forth in Section 2.01.050, and Table E, Dangerous Buildings or Structures; provided, that if the whereabouts of any of such persons is unknown and the same cannot be ascertained by the Building Official in the exercise of reasonable diligence, and the Building Official makes an affidavit to that effect, the serving of such complaint upon such persons may be made by sending a copy of the notice by first-class mail and by certified mail, return receipt requested, to each such person at the address of the taxpayer of the property as shown on the last equalized tax assessment roll of Pierce County. If the address of the building involved in the proceeding is different from the address of the taxpayer listed on the tax assessment roll, and the whereabouts of any person in interest is unknown, then a copy of the complaint shall also be mailed by first-class mail and certified mail, return receipt requested, to such person or persons. The complaint shall contain, among other things, the following information:

- a. Name of owner or other interested persons, as provided herein above.
- b. Street address and legal description of the property on which said building is located.
- c. General description of type of building, wall, or structure deemed unsafe or substandard.
- d. A complete itemized statement or list of particulars which caused the building, wall, or structure to be a Dangerous Building, as defined in Section 2.01.050, and Table E, Dangerous Buildings or Structures.
- e. Whether or not said building should be vacated by its occupants, and the date of such vacation.
- f. Whether or not the statement or list of particulars, as provided for in Subsection 7.d above, can be removed or repaired.
- g. Whether or not the building constitutes a fire menace.
- h. Whether it is reasonable to repair the building or whether the building should be demolished.

- i. If the building is on the Historic Landmark Registry or is in a Historic District, the complaint shall provide the procedural requirements of the Landmark Preservation Commission for repair or demolition.
- j. A notice that a hearing shall be held before the Hearing Officer in the City Council Chambers in the Tacoma Municipal Building, not less than 10 days nor more than 30 days after the serving of such complaint on all interested parties, as recorded by the Pierce County Auditor, and posting, and that all parties in interest shall be given the right to file an answer to the complaint, to appear in person or otherwise, and to give testimony at the time of the hearing.
- k. That a copy of such complaint shall also be filed with the Pierce County Auditor, which filing shall have the same force and effect as other ~~lis pendens legal~~-notices provided by law. The filing of a complaint is the same as filing a Certificate of Complaint.

8. Hearing Procedures.

a. The Hearing Officer shall convene the hearing at the time specified in the Dangerous Building complaint. The City shall present its case through the City Attorney, or his or her assistant, who shall be authorized to call witnesses and conduct cross-examinations. The building or property owner, or his or her legal representative, shall present his or her case and is authorized to present witnesses and conduct cross-examinations. The agenda for the hearing shall essentially be according to the following:

- 1. Hearing Officer calls the hearing to order.
- 2. Introductions of the Hearing Officer, plaintiffs, defendants, and other parties of interest.
- 3. City Attorney presents the City's case.
- 4. Defendant presents his or her case.
- 5. City provides rebuttal.
- 6. Defendant provides rebuttal.
- 7. Hearing Officer presents final comments and adjourns hearing.

b. The Hearing Officer shall issue a Findings of Fact and Order. The Findings of Fact and Order shall contain the following:

- 1. Name of owner or other interested parties, as listed by the Pierce County Auditor.
- 2. Street address and legal description of the property on which the building is located.
- 3. General description of type of building, wall, or structure deemed dangerous or substandard.
- 4. A complete itemized statement or list of particulars which caused the building, wall, or structure to be a Dangerous Building, as defined in Section 2.01.050 and Table E, Dangerous Buildings or Structures.
- 5. Whether or not the building is vacant, and the date of such vacation, if known.
- 6. Whether or not the statement or list of particulars, as provided for in paragraph 4.d above, can be removed or repaired.
- 7. Whether or not the building constitutes a fire menace.
- 8. Whether it is reasonable to repair the building or structure or whether the building or structure should be demolished.
- 9. Whether the building is on the Historic Register or within a Historically Designated Area, and the procedures required by the Historic Preservation Commission.

The Order shall provide specific instructions on whether the building or structure is to be demolished or repaired, and a time frame for doing so. In the event the building is on the Historic Register or is within a Historically Designated Area, the time schedule shall as much as possible take into account Landmark Preservation Commission procedures. In the event the building is to be repaired, specific direction shall be provided as to the extent of repairs necessary to remove the violations listed against the building or structure. In addition, a building, structure, or property that is declared dangerous shall comply with the requirements set forth in Subsection 12, Buildings Declared Dangerous.

10. Appeals to the Board of Building Appeals. The Findings of Fact and Order shall also state that appeal of the Findings of Fact and Order issued by the Hearing Officer shall be made to the Board of Building

Appeals, as established and governed by Chapter 2.17 of the Tacoma Municipal Code. Appeals shall be filed within 30 calendar days of receipt of the Findings of Fact and Order.

The Findings of Fact and Order shall be sent to all interested parties, as listed by the Pierce County Auditor as having interest in the property, by both first-class mail, and by certified mail, return receipt requested.

In the event that an appeal is filed to the Board of Building Appeals, a hearing shall be scheduled and all interested parties shall be notified by first-class mail and by certified mail, return receipt requested. The Board of Building Appeals shall hold the hearing no sooner than 10 calendar days from the date of the filing of the appeal in accordance with the rules established by Chapter 2.17 of the Tacoma Municipal Code, and shall follow the same agenda used for the hearing held by the Hearing Officer.

The Board of Building Appeals shall make a recommendation based on the hearing within 50 calendar days of the filing of the appeal to the Hearing Officer, who shall issue a new Findings of Fact and Order based on the Board of Building Appeals recommendation, and shall so notify the appellant using the same procedure for notification as used for the original Findings of Fact and Order, within 60 calendar days of the filing of the appeal.

11. Appeals of Findings of Fact and Order Based on Recommendation of Board of Building Appeals. The new Findings of Fact and Order shall state that an appeal of the Findings of Fact and Order issued by the Hearings Officer, based on the recommendation of the Board of Building Appeals, shall be made directly to Pierce County Superior Court within 30 calendar days of the date of the Findings of Fact and Order. Such appeal shall be de novo.

12. Buildings Declared Dangerous. When it is determined in a hearing, convened in accordance with the provisions of Subsection 8 above, Hearing Procedures, that a building or structure, or any aspect of a building or structure, is dangerous by the definition set forth in Section 2.01.050 and Table E, Dangerous Buildings or Structures, of this chapter, such building or structure shall be:

a. Demolished, or

b. Those aspects which were declared dangerous in the hearing shall be repaired to the minimum building requirements set forth in Section 2.01.070 of this chapter, as directed by the Hearing Officer, and the following items shall be complied with whether or not they are addressed in the Dangerous Building Complaint:

1. Exiting facilities, including doors, corridors, stairs, exit enclosures, and smoke-proof enclosures, shall be brought into full compliance with the Building Code. Stairways with risers not exceeding 7-1/2 inches in height, and treads not less than 10 inches in depth, which are in good condition and otherwise meet the Building Code's requirements, do not have to be rebuilt.

2. The fire resistance of all building elements, in regard to the required type of construction, shall be brought into full compliance with the Building Code; provided that, in buildings which have full sprinkler systems, the outside fire-resistive membrane on exterior walls may not be required.

3. If required by the Building Code, automatic fire sprinkler systems shall be installed.

4. If required by the Building Code or by the Fire Code, as adopted and amended by the City of Tacoma, fire alarm systems shall be installed and shall meet all requirements of the Building Code and the Fire Code, as adopted by the City of Tacoma.

5. The building shall be brought into structural compliance with the Building Code, except that the building shall be considered as complying with the seismic structural requirements if it can withstand the forces specified by the Uniform Code for Building Conservation, as adopted and amended in the Building Code in Chapter 2.02 of the Tacoma Municipal Code.

6. The building shall be brought into compliance with provisions of the Washington State Barrier Free Code for new construction.

7. The building shall be brought into compliance with the Washington State Energy Code.

EXCEPTION: Exterior stud frame walls need only be provided with insulation which can be accommodated by the stud depth of the wall.

If the Hearing Officer declares a building dangerous, he/she shall make a recommendation on whether the building should be demolished or repaired. The recommendation shall be based on the estimated costs of repair in relation to the existing value of the building, as determined by the Pierce County Assessor. The Pierce County Assessor shall be requested to make an assessment of the value of the building specifically for the dangerous building action. If the cost of repairs exceeds 50 percent of the assessed value of the building, the Hearing Officer shall recommend that the building be demolished.

H. Posting of Buildings.

If a building is determined to be in violation of this chapter to an extent that it fails to provide the amenities which are essential to decent living or the building is unsafe, unsanitary, or structurally unsound, the building shall be posted for non-occupancy.

The notice posted on the building shall identify the location of the building by street address, the date on which the building was posted, the signatures of the Building Official and the inspector who posted the notice onto the building, and a telephone number and street address where the inspector can be contacted. The notice shall also state the violation and penalties for removal of the notice from the building.

The notice posted on the building shall state that the building "MUST NOT BE OCCUPIED" and shall be affixed to all doors, if accessible, or a minimum of being posted on the main door facing the address street. The "MUST NOT BE OCCUPIED" portion of the notice shall be of letters of sufficient size to be read from the public way.

I. Utility Restraints.

When a building is determined as being in violation of this chapter and is unfit for human occupancy, a utility restraint may be placed against the property by the Building Official, restraining the utility providers from providing utilities to the building. Dangerous buildings or structures and derelict buildings or structures, which are not occupiable and are posted "MUST NOT BE OCCUPIED," shall have utility restraints placed on them. The utility restraint shall be recorded with the Tacoma Public Utilities Department or other utility providers. The utility restraint shall not be released until the building is repaired or demolished. Once the building has been repaired or demolished, the Building Official shall record with the Tacoma Public Utilities Department, or other utility providers, a written release granting utility service to the building or property. The utility restraint shall not interfere with any Code enforcement action taken by the Tacoma Public Utilities Department or other utility providers.

EXCEPTION: Limited utilities may be permitted to be supplied to the property for facilitating the repairs, at the discretion of the Building Official.

J. Emergency Cases.

Where, in the opinion of the Building Official, it appears there is an imminent danger to the life or safety of any person occupying or being admitted to a building or structure, the Building Official shall cause the immediate vacation of the building, in whole or in part, as is necessary, to mitigate the danger to life. The Building Official shall also order the barricading of public sidewalks, streets, or alleys as necessary to protect the public, and shall secure the building from unauthorized entry, and cause the immediate bracing or repair of the building as necessary to protect the public, or, if that is not possible, to have the building or structure demolished. The costs of such emergency vacation, bracing, repair, or demolition of such building or structure shall be assessed to the owner in accordance with the provisions of RCW-35.80.030(h).

K. Permits.

No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure, or cause or permit the same to be done, without first obtaining all permits required by the Tacoma Municipal Code and the laws of the State of Washington.

L. Duties of the City Attorney.

The City Attorney, or his or her assistant, shall:

1. Prosecute all persons failing to comply with the terms of the notices provided for and/or the order provided for in Section 2.01.060.

2. Represent the City of Tacoma at hearings before the Hearing Examiner in regard to appeals filed relative to decisions issued by the Building Official pertaining to Substandard Buildings.
3. Represent the City of Tacoma at hearings before the Hearing Examiner in regard to appeals filed to the Finding of Fact and Order issued by the Building Official pertaining to Derelict Buildings.
4. Represent the City of Tacoma at hearings before the Board of Building Appeals in regard to appeals filed to the Finding of Fact and Order issued by the Building Official pertaining to Dangerous Buildings.
5. Represent the City of Tacoma at hearings before superior court in regard to appeals filed to the Finding of Fact and Order issued by the Hearing Examiner pertaining to Substandard Buildings.
6. Represent the City of Tacoma at hearings before superior court in regard to appeals filed to the Finding of Fact and Order issued by the Hearing Examiner pertaining to Derelict Buildings.
7. Represent the City of Tacoma at hearings before superior court in regard to appeals filed to the Finding of Fact and Order issued by the Building Official, based on the recommendation of the Board of Building Appeals pertaining to Dangerous Buildings.
8. Bring suit to collect costs incurred by the City of Tacoma in repairing or causing to be vacated or demolished the Dangerous Buildings.

M. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a distinct and independent provision, and such holdings shall not affect the validity of the remaining portions hereof.

TABLES:

**TABLE A
POINT LIMITS**

Number of Points	Abatement Category/Process
24 or Less	<u>No Violations Standard Property</u>
25 to 49	<u>Advisory Letter with No Penalty Non-standard property warning</u>
50 or More	<u>Formal Notification of Infractions and Pending Penalties Substandard Property</u>

**TABLE B
SUBSTANDARD PROPERTY
EXTERIOR PROPERTY VIOLATIONS**

Item No.	Violation	Maximum Points
1	Unightly or Overgrown Ground Cover, Trees, or Shrubbery	5
2	Garbage/Junk/Debris in Yard	15
3	Abandoned or Inoperable Vehicles in Yard	15
4	Graffiti on Buildings, Fences, or Other Structures	25
5	Missing or Unreadable Address Numbers or Apartment Numbers	10
6	Exterior Stairways (In Yards) Need Repair or Replacement	15
7	Exterior Stairways (In Yards) Need Handrails/Guardrails	10
8	Exterior Sidewalks, broken, buckled, or deteriorated	15
9	Retaining Wall Needs Repairing or Replacing	10
10	Broken or Plugged Sewer	25

EXTERIOR BUILDING VIOLATIONS

Item No.	Violation	Maximum Points
11	Accessory Structure Needs to be Repaired or Demolished	25
12	Accessory Structures Need Painting	5
13	Chimney(s) Needs to be Repaired or Removed	15
14	Roofing Needs Repair	10
15	Roofing Needs Replacing	15
16	Gutters Need to be Repaired or Replaced	5
17	Exterior Walls Need to be Repaired	15
18	Exterior Walls Need Siding Repaired	10
19	Foundations Need Repair	10
20	Foundations Need Replacing	15
21	Porch, Deck, or Balcony Needs to be Repaired, Replaced or Removed	15
22	Porch, Deck, or Balcony Needs Guardrail	15
23	Porch, Deck, or Balcony Needs Guardrail Repaired/Replaced	10
24	Overhangs or Cornices Need Repairing or Replacing	15
25	Window Glass Needs Replacement	10
26	Window Frames Need Repair or Replacement	15
27	Exterior Doors and/or Door Framework Needs to be Repaired or Replaced	10
28	Peeling or absence of paint or weather protection on exterior walls, decks, stairs, porches, and other exterior surfaces	5
29	Improper Use of Recreational Vehicles	50
30	Improper placement or use of cargo containers	50
31	Use of Semi-Trailers for storage	50

INTERIOR VIOLATIONS

Item No.	Violation	Maximum Points
32	Inadequate Number of Electrical Convenience Outlets	10
33	Electrical Convenience Outlets or Switches do not have Device Plates	5
34	Improper water closets, lavatories, bathtubs, showers, or other plumbing fixtures	15
35	Insufficient number of water closets, lavatories, bathtubs, showers or other plumbing fixtures as required by the size or occupant load of the occupancy	10
36	All lavatories, sinks, bathtubs or similar fixtures where the spigot outlet is below the level of the basin rim, and any other fixtures where cross-connection or back-siphonage is possible	25
37	Substandard Kitchen	15
38	Substandard Laundry	15
39	Plumbing piping or fixtures of non-approved materials	10
40	Leaking Plumbing Piping (Supply and/or Waste)	15
41	Sagging or Improperly Supported Piping	5
42	Clogged or Inoperative Plumbing Piping	15
43	Appliances, including solid-fuel-burning appliances, which have been installed without proper clearances to combustible materials	25

44	Unlisted appliances which have been illegally installed	25
45	Improper Gas Piping	15
46	Missing Temperature/Pressure Relief Valve on Water Heater	25
47	Inadequate or deteriorated heating or mechanical equipment	25
48	Inadequate Supply of Combustion Air for Fuel Fired Equipment	15
49	Window Locks Missing or Inoperative	15
50	Door Locks Missing, Inoperative, or Illegal	15
51	Interior Doors Need Repair	5
52	Weather Stripping of Doors and/or Windows Missing or Needs Repair	5
53	Deteriorated brick, concrete, or stone masonry, or detached veneer	15
54	Deteriorated wood building materials due to inadequate wood to earth clearance	10
55	Deteriorated or crumbling plaster or gypsum board	10
56	Flaking, scaling, or peeling of wallpaper, paint, or other interior wall coverings	10
57	Infestations of Vermin (See Definitions)	25
58	No Windows or Inadequate Window Area to Provide Natural Light	15
59	Inadequate or no ventilation (either natural or mechanical ventilation)	15
60	Room and space dimensions less than required by this chapter	15
61	Dampness, mold and/or mildew within the building	10
62	Lack of or inadequate garbage and rubbish storage and disposal	10
63	Exit Signs are not Provided With Two Sources of Power	25
64	Exit Path Lighting is not Provided With Two Sources of Power	25
65	Exit Stairs have Incorrect Rise and Run	25
66	Access to Electrical Panels is Inadequate	15
67	Floor Surfacing Needs Repair	25
68	Floor Framing Needs Repair	25
69	Wall Surfacing Needs Repair	15
70	Wall Framing Needs Repair	15
71	Ceiling Surfacing Needs Repair	15
72	Ceiling and/or Roof Framing Needs Repair	15
73	Overcrowding: Any building or portion thereof, where the exiting is insufficient in number, width, or access for the occupant load served, or where the number of occupants in sleeping rooms exceeds the number permitted by the area of the sleeping room	25

UNOCCUPIED OR VACANT BUILDING STANDARDS VIOLATIONS

Item No.	Violation	Maximum Points
74	Exterior Openings are not properly secured in accordance with Section 2.01.090	50
75	Weather protection is not adequate to prevent deterioration of the building	50
76	There is debris within the building or on the premises, which creates a fire-hazard or a nuisance	50
77	Fire alarms or Fire Sprinkler Systems are inoperable	50
78	Adequate heat is not provided to protect the sprinkler system from freezing	50
79	Sewer lines are not capped	50

80	The owner does not inspect the property and keep the property from looking uncared for	50
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**TABLE C
FIRE AND LIFE SAFETY HAZARDS**

Item No.	Violation	Maximum Points
1	Exit Doors Have Improper Hardware	15
2	Required Corridors Are Not of One-Hour Construction	50
3	Corridor Doors Are Not Properly Rated (or Equivalent)	50
4	Corridor Doors Don't Have Closers	50
5	Corridor Doors Have Improper Hold Open Devices	25
6	Corridor Doors Don't Have Gasketting	25
7	Corridor Door Frames Need to be Repaired or Replaced	50
8	Transoms Above Corridor Doors are not Sealed or Fire-Rated	50
9	Exit Paths Are Not Properly Illuminated	50
10	Required Exit Signs are Missing	50
11	Required Exit Signs are not Illuminated	50
12	Exit Stairs Need to be Repaired or Replaced	50
13	Exit Stairs Need to be Provided With Handrails/Guardrails, or Handrails/Guardrails Need Repair or Replacement	50
14	Exit Stairs Are Missing or Have Improper Landings	50
15	Stair Width is Too Narrow	25
16	Stairs Need to be Enclosed in a Fire Rated Shaft	50
17	Stair Enclosures are not of the Proper Fire Rating	50
18	Doors to Stair Enclosure are Missing or are Blocked Open	50
19	Doors to Stair Enclosures Do Not Meet Required Fire Assembly Requirements, or Fire Assembly Needs Replacement or Repair	50
20	Exit Windows From Sleeping Rooms not Provided	50
21	Exit Windows From Sleeping Room Too Small in Area or Dimension	50
22	Exit Windows From Sleeping Room Have Too High a Sill Height	50
23	Improper or Hazardous Wiring	50
24	Missing or Inoperative Unit Smoke Detectors	50
25	Missing or Inoperative Fire Extinguishers	50
26	Improper Storage, Building Clutter, or other Fire Hazards	25
27	Required Fire Sprinkler System Inoperative or Missing	50
28	Fire Resistive Occupancy Separation or Area Separation Walls need to be repaired or replaced	25
29	Fire resistive construction needs repair or replacement	25
30	Lack of, inoperable, or inadequate fire alarm system	50

TABLE D
DERELICT BUILDINGS OR STRUCTURES

Item No.	Violation
1	<p>Interior Environment Violations, which shall include, but not be limited to, the following, if required specifically by the occupancy classification for the use of the building:</p> <ul style="list-style-type: none"> a. Lack of, or inadequate ventilation. b. Infestation by insects, vermin, or rodents.
2	<p>Structural Hazards, Structural hazards which constitute a danger to life and limb, but are of limited extent, and are repairable. These shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> a. Cracked or crumbling concrete or masonry foundation walls, footings, or posts, or deteriorated or rotting wood foundations or wood posts. b. Flooring or floor supports which are defective, deteriorated, or of insufficient size to carry imposed loads with safety. c. Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective materials or deterioration, or are of insufficient size to carry imposed loads with safety. d. Members or supports of ceilings and roofs, or other horizontal members which sag, split, or buckle due to defective material or deterioration, or are of insufficient size to carry imposed loads with safety. e. Fireplaces or chimneys which list, bulge, or settle due to defective materials or deterioration, or are of insufficient size or strength to carry imposed loads with safety. f. Exterior cantilever walls or parapets, appendages attached to or supported on the exterior of a building located adjacent to a public way or other space used by pedestrians which are not constructed, anchored, and braced to be able to withstand earthquake forces. g. Exterior walls located adjacent to a public way or other space used by pedestrians, which are not constructed, anchored, and braced to be able to withstand earthquake forces.
3	<p>Hazardous or inadequate wiring which presents an immediate danger to life or limb:</p> <ul style="list-style-type: none"> a. Wiring which is inadequately sized for the presently imposed electrical loads. b. Wiring where, due to improper ground, lack of insulation, or other conditions, short circuits can occur. c. Damaged, missing, or insufficient electrical convenience outlets, electrical components, or equipment.
4	<p>Hazardous or inadequate plumbing which present a hazard to health, or do not provide minimum acceptable amenities for occupancy:</p> <ul style="list-style-type: none"> a. Lack of, or inoperable water closets, lavatories, bathtubs, showers, or other plumbing fixtures as required for the occupancy. b. Lack of hot and/or cold running water to plumbing fixtures. c. Lack of, or inadequate water heating facilities. d. Plumbing piping and fixtures improperly installed. e. Plumbing piping and connections which leak, are plugged, or otherwise are inoperative. f. Plumbing fixtures which are not properly connected to the waste and vent system, or which are cracked, inoperative, or leak. g. Lack of or inadequate sewage disposal/or connection of plumbing fixtures thereto.
5	<p>Hazardous mechanical equipment which present a hazard to health, life, or limb, or do not provide minimum acceptable amenities for occupancy:</p> <ul style="list-style-type: none"> a. Lack of or inadequate heating facilities. b. Mechanical equipment with undersized vents or chimneys. c. Fuel-fired equipment with insufficient combustion air. d. Mechanical equipment which, because of lack of maintenance or improper installation, constitutes a fire hazard.

6	Faulty Weather Protection: Indications of which shall include, but not be limited to, the following: a. Holes, including broken windows or doors; breaks; cracked, loose, or rotted boards or timbers; and any other conditions in exterior walls and weather-exposed exterior surfaces or attachments which might admit rain or dampness to the interior portions of the walls or occupied spaces of the building. b. Deteriorated or missing roof covering material and flashing. c. Standing water in crawl spaces or basements. d. Deteriorated or rotted stairs, porches, balconies, or decks.
7	Fire Hazard: Any conditions which, in the opinion of the Fire Chief, constitute a distinct hazard to life or property.
8	Faulty Materials or Construction: Faulty materials are defined as all materials not specifically allowed or approved by the Building Code in effect at the time of construction, or this chapter. Faulty materials also include approved materials which are used improperly. Faulty Construction is defined as materials assembled using improper or substandard workmanship.
9	Hazardous or Unsanitary Premises: Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or condition which constitute fire, health, or safety hazards.
10	Inadequate Exits: All buildings or portions thereof not provided with exit facilities as required by the Building Code, except those buildings or portions thereof whose exit facilities are safe and conformed with all applicable laws at the time of their construction.
11	Inadequate Fire-Protection or Fire-Fighting Equipment: All buildings or portions thereof which are not provided with fire-resistive construction, fire extinguishing systems, or smoke detection equipment as required by the Tacoma Municipal Code.
12	Improper Occupancy: Buildings or portions thereof, where the use or character of its occupancy has changed from the original approved design or intended use, without a recorded action reviewed by the Building Official.

TABLE E
DANGEROUS BUILDINGS OR STRUCTURES

Item No.	Violation
1	Whenever any door, aisle, passageway, stairway, or other means of exit is not of sufficient width or size, or is not arranged as to provide safe and adequate means of exit in case of fire or panic.
2	Whenever the walking surface of any aisle, passageway, stairway, or other means of exit is racked, warped, buckled, settled, worn, loose, torn, or otherwise is in such condition as to not provide safe and adequate means of exit in case of fire or panic.
3	Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code in effect at the time the building was constructed.
4	Whenever any portion, member, or appurtenance thereof is likely to fail, become detached, dislodged, or collapse and thereby injure persons or damage property.
5	Whenever any portion of a building, any member, appurtenance, or ornamentation on the exterior thereof has deteriorated, or been damaged so as to be no longer capable of withstanding wind pressures or seismic forces specified in the Building Code in effect at the time the building was constructed.

6	Whenever any portion thereof has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
7	Whenever the building or structure, or any portion thereof, is likely to partially or completely collapse because of: (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) deterioration, decay, or inadequacy of its foundation; or (v) any other cause.
8	Whenever, for any reason, the building or structure, or any portion thereof, is unsafe for the purpose for which it is being used.
9	Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
10	Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of a supporting member or members, or 50 percent damage or deterioration of non-supporting members, including wall coverings.
11	Whenever the building or structure has been so damaged by fire, wind, earthquake, flood, or other causes, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for transients or vandals; or (iii) a place for performing criminal or unlawful activities.
12	Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or this chapter, or of any law or ordinance of this state or jurisdiction relating to the condition, location, or structure of buildings.
13	Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member, or portion less than 50 percent [or in any supporting part, member, or portion less than 66 percent] of the (i) strength; (ii) fire-resisting qualities or characteristics; or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.
14	Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction, or arrangement, inadequate light, air, or sanitation facilities, or otherwise, is determined to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.
15	Whenever any building or structure, because of dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined to be a fire hazard.
16	Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
17	Derelict Buildings where Alternate Procedures have been undertaken pursuant to the provisions of Section 2.01.060.D.8.b.

**TABLE F
PENALTIES**

Penalty Assessment	Penalty Amount
First Penalty Assessment	\$125
Second Penalty Assessment and Subsequent Assessments	up to \$2500 every 14 calendar days