



## **Legislation Passed December 9, 2014**

The Tacoma City Council, at its regular City Council meeting of December 9, 2014, 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.

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### **Resolution No. 39067**

A resolution setting Monday, January 12, 2015, at 5:00 p.m., as the date for a hearing by the Hearing Examiner regarding Local Improvement District (LID) No. 8662 to improve Bennett Street from North 35th to North 37th Streets.

[Ralph K. Rodriguez, LID Administrator; Kurtis D. Kingsolver, P.E., Director, Public Works]

### **Resolution No. 39068**

A resolution appointing and reappointing individuals to the Human Rights Commission and the Landmarks Preservation Commission.

[Doris Sorum, City Clerk; Elizabeth Pauli, City Attorney]

### **Resolution No. 39069**

A resolution declaring surplus and approving the sale of approximately 867 square feet of land owned by the Department of Public Utilities and located near the intersection of Bridgeport Way and 21st Street West in University Place, to the City of University Place in the amount of \$11,900.

[Gloria Fletcher, Senior Real Estate Officer; Ted Coates, Power Superintendent]

### **Resolution No. 39070**

A resolution authorizing the execution of an amendment to the five-year lease agreement with Western Washington Railroad, LLC, to add 15 miles of railroad right-of-way, located between Maytown and Yelm in Thurston County, through January 17, 2019.

[Dylan Harrison, Real Estate Officer; Kurtis D. Kingsolver, P.E., Director, Public Works]

### **Resolution No. 39071**

A resolution authorizing the execution of a contract with Gordon Thomas Honeywell Governmental Affairs, LLC, in the amount of \$170,000, budgeted from the General Fund, for legislative lobbying services for 2015 and 2016.

[Randall Lewis, Government Relations Officer; T.C. Broadnax, City Manager]

### **Resolution No. 39072**

A resolution authorizing the execution of a contract with Simon and Company Incorporated, in the amount of \$160,701, budgeted from the General Fund, for legislative lobbying services for 2015 and 2016.

[Randall Lewis, Government Relations Officer; T.C. Broadnax, City Manager]

**Resolution No. 39073**

A resolution adopting the priority issues for the 2015 sessions of the United States Congress and Washington State Legislature.

[Randall Lewis, Government Relations Officer; T.C. Broadnax, City Manager]

**Resolution No. 39074**

A resolution designating the Fair and Equitable Collection of Business License Fees and Taxes Project as a special project of limited duration; and designating general salary classifications and benefits for persons employed on the project.

[Lisa Wojtanowicz, Community Services Division Manager; Nadia Chandler Hardy, Director, Neighborhood and Community Services]

**Resolution No. 39075**

A resolution approving the General Government Fee Schedule for special and miscellaneous services to include charges to the public for various departmental services.

[Tadd Wille, Budget Officer; Andy Cherullo, Director, Finance]

**Resolution No. 39076**

A resolution relating to the provisions of public defense standards; adopting Indigent Defense Services for the City of Tacoma.

[Elizabeth Pauli, City Attorney]

**Resolution No. 39077**

A resolution setting Tuesday, January 6, 2015, at approximately 5:30 p.m., as the date for a public hearing by the City Council on the enforcement strategy options for non licensed marijuana operations. [Elizabeth Pauli, City Attorney]

**Ordinance No. 28261**

An ordinance amending Chapter 12.08 of the Municipal Code, relating to Wastewater and Surface Water Management - Regulation and Rates, to adjust rates and charges for services for 2015 and 2016.

[Daniel C. Thompson, Division Manager; Michael P. Slevin III, P.E., Director, Environmental Services]

**Ordinance No. 28262**

An ordinance amending Chapter 12.09 of the Municipal Code, relating to Solid Waste, Recycling, and Hazardous Waste, to adjust rates and charges for services for 2015 and 2016; granting certain customer requests for changes in Solid Waste services; and authorizing Call-2-Haul services for commercial customers.

[Gary H. Kato, Division Manager; Michael P. Slevin III, P.E., Director, Environmental Services]

**Ordinance No. 28263**

An ordinance amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to implement rates of pay and compensation for represented and non-represented classifications, and changes in classifications to reflect the organizational structure.

[Joy St. Germain, Director, Human Resources]

**Ordinance No. 28264**

An ordinance amending the Biennial Budget for fiscal years 2013-2014, to appropriate funds for contract obligations, transfers, and other budget adjustments; authorizing interfund transfers and contributions; and accepting, depositing, and appropriating miscellaneous donations, contributions, and fees.

[Tadd Wille, Budget Officer; Andy Cherullo, Director, Finance]

**Ordinance No. 28265**

An ordinance amending Chapter 6B.50 of the Municipal Code, relating to Ambulances, authorizing charges for non-transport-related emergency medical advanced life support services; and establishing the 2015 base rate for said services.

[Michael Newhouse, Medical Services Officer; James P. Duggan, Fire Chief]

**Ordinance No. 28266**

An ordinance amending Chapter 3.09 of the Municipal Code, relating to Fire Code Permits and Fees, providing for fees related to code enforcement inspections of buildings of various industrial, commercial, and multi-family uses, effective June 1, 2015.

[Patrick K. McElligott, Assistant Chief; James P. Duggan, Fire Chief]

**Ordinance No. 28267**

An ordinance reallocating and applying unspent bond proceeds remaining in accounts from the City's 2009 Bonds and the 2010 Bonds, in the cumulative amount of \$3 million, to finance capital costs of the Lincoln Streetscape Improvement Project.

[Teresa Sedmak, City Treasurer; Andy Cherullo, Director, Finance]

**Ordinance No. 28268**

An ordinance amending Chapter 6A.10 of the Municipal Code, relating to General Tax Provisions, and Chapter 6A.30, relating to Business and Occupation Tax, to exempt businesses with an annual gross income of less than \$250,000 from the requirement to file a City Business and Occupation tax return.

[Danielle Larson, Division Manager; Andy Cherullo, Director, Finance]

**Ordinance No. 28269**

An ordinance amending the Capital Facilities Element of the Comprehensive Plan, and adopting the 2015-2020 Capital Facilities Program.

[Tadd Wille, Budget Officer; Andy Cherullo, Director, Finance]

**Ordinance No. 28270**

An ordinance adopting the 2015-2016 Biennial Budget of the City of Tacoma; and authorizing the use of Council Contingency Funds.

[Tadd Wille, Budget Officer; Andy Cherullo, Director, Finance]



## RESOLUTION NO. 39067

1 A RESOLUTION relating to public works and improvements; setting the date of  
2 January 12, 2015, as the date for a hearing by the Hearing Examiner to  
3 consider the construction of certain improvements and to form Local  
4 Improvement District No. 8662 in order to provide long-term financing for  
5 the improvements.

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

7 Section 1. That it is the intention of the City Council to order the local  
8 improvements described below and to pay the cost of such improvements by  
9 imposing and collecting special assessments upon the real property that will  
10 receive special benefit from the improvements.

11 Section 2. That the improvements may consist of pervious asphalt  
12 concrete paving with a structural section and reservoir course, concrete banding  
13 along both sides of the pervious pavement and city sidewalks along the proposed  
14 meandering street surface or other green infrastructure options, modifying the  
15 existing storm drain lines, and storm water catch basins, where needed, on  
16 Bennett Street from North 35th Street to North 37th Street. Such improvements  
17 may include driveway entrances; sanitary sewer connections from the sewer main  
18 to the property line; the removal and planting of trees; and all work necessary to  
19 complete the improvements in full accordance with the plans and specifications to  
20 be prepared by the City Engineer.  
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Section 3. That the real property to be benefited by the improvements and which will constitute Local Improvement District No. 8662 is described as follows:

Bennett Street from North 35th Street to North 37<sup>th</sup> Street

That portion of the Southeast Quarter of the Northeast Quarter of Section 26, Township 21 North, Range 02 East, W.M., described as follows:

The West 1/2 of Lots 1 through 4, all of Lots 5 through 20, the West 1/2 of Lots 21 through 24, Block 6; Lots 6 through 22, the East 60 feet of Lots 23 and 24, Block 7; Glenn's Second Addition to Tacoma, W.T. as per plat recorded in Volume 4, Page 10, filed November 8, 1889, records of Pierce County Auditor.

Together with the portion of vacated North 35th Street abutting the West 1/2 of Lot 24, of said Block 6.

Also, the portion of vacated North 35th Street abutting the East 60 feet of Lot 24, of said Block 7.

Also, Parcel 'B' of DBLR 92-04-27-0465 described as follows: commencing at the Southwest corner of Lot 5, said Block 7, thence along the South line of said Lot 5, North 89°56'34" East, 60.00 feet to the Point of Beginning; thence North 00°00'04" East, 120.00 feet to southerly Right-of-Way line of North 37th street according to said Plat; thence along said Right-of-Way line North 89°56'34" East, 60.00 feet to the West Right-of-Way line of Bennett Street, thence along said Right-of-Way line South 00°00'04" West, 120.00 feet, thence South 89°56'34" West, 60.00 feet to the Point of Beginning.

All land Situate in the City of Tacoma, County of Pierce, State of Washington.



1 Actual assessments may vary from assessment estimates so long as the  
2 assessments do not exceed the increased true and fair value the improvements  
3 add to the property being assessed. At the option of the property owners, the  
4 assessments levied against the property shall become due and payable in cash,  
5 without interest, within 30 days after publication of notice of assessment, or in  
6 ten equal annual installments with interest on deferred payments at a rate to be  
7 hereafter fixed, but in no event greater than one-half percent above the rate of  
8 interest fixed upon sale of bonds for the district.  
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11 Section 4. That the Hearing Examiner of the City of Tacoma shall conduct  
12 a hearing to consider the creation of the proposed local improvement district  
13 described herein. That such hearing shall be held in the City Council Chambers  
14 on the first floor in the Tacoma Municipal Building, at 747 Market Street, on  
15 January 12, 2015, at 5:00 p.m. That all persons who may desire to object to the  
16 construction of the improvements shall do so in writing and file such complaint  
17 with the City Clerk before 5:00 p.m. on Monday, January 12, 2015, or shall appear  
18 and present their objections at the hearing.  
19

20 Section 5. That the Director of Public Works shall submit to the Hearing  
21 Examiner, at a date prior to January 12, 2015, the estimated cost of the  
22 improvements; a statement of the proportionate amount thereof, which should be  
23 borne by the property within the proposed Local Improvement District; a statement  
24 of the aggregate actual value of the real estate, including 25 percent of the actual  
25 value of the improvements thereon within the district, according to the valuation  
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last placed upon it for the purpose of general taxation; a statement in detail of the local improvement assessments outstanding and unpaid against the property within the district, together with a diagram or print showing the lots, tracts, and parcels of land that will be specially benefited by the improvement; and the estimated amount of the cost and expense of the improvements to be borne by each parcel of property.

Section 6. That the City Clerk shall publish this resolution in the official newspaper of the City of Tacoma, as required by law.

Section 7. That the Director of Public Works shall give notice of the hearing, as required by law.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:  
  
\_\_\_\_\_  
City Clerk

Approved as to form:  
  
\_\_\_\_\_  
Deputy City Attorney

Property description approved:  
  
\_\_\_\_\_  
Chief Surveyor  
Public Works Department



## RESOLUTION NO. 39068

1 BY REQUEST OF DEPUTY MAYOR WOODARDS AND COUNCIL MEMBER  
2 WALKER

3 A RESOLUTION relating to committees, boards, and commissions; appointing and  
4 reappointing individuals to the Human Rights Commission and Landmarks  
5 Preservation Commission.

6 WHEREAS vacancies exist on the Human Rights Commission and  
7 Landmarks Preservation Commission, and

8 WHEREAS, at its meeting of November 13, 2014, the Public Safety,  
9 Human Services, and Education Committee conducted interviews and  
10 recommended the appointment and reappointment of individuals to the Human  
11 Rights Commission, and

12 WHEREAS, at its meeting of November 17, 2014, the Neighborhoods and  
13 Housing Committee conducted interviews and recommended the appointment  
14 and reappointment of individuals to the Landmarks Preservation Commission, and

15 WHEREAS, pursuant to the City Charter Section 2.4 and the Rules,  
16 Regulations, and Procedures of the City Council, the persons named on Exhibit "A"  
17 have been nominated to serve on said commissions; Now, Therefore,

18  
19 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

20  
21 That those nominees to the Human Rights Commission and Landmarks  
22 Preservation Commission listed on Exhibit "A" are hereby confirmed and  
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1 appointed or reappointed as members of such commissions for such terms as are  
2 set forth on Exhibit "A."

3 Adopted \_\_\_\_\_

4 \_\_\_\_\_  
5 Mayor

6 Attest:

7 \_\_\_\_\_  
8 City Clerk

9 Approved as to form:

10 \_\_\_\_\_  
11 City Attorney



## EXHIBIT "A"

### HUMAN RIGHTS COMMISSION

Appointing **April Nimick** to fill an unexpired term to expire December 31, 2016.

Appointing **Suzanne Skaar** to serve a three-year term to expire December 31, 2017.

Reappointing **Darion Reese** to serve a three-year term beginning January 9, 2015, to expire December 31, 2017.

### LANDMARKS PRESERVATION COMMISSION

Reappointing **Lysa Schloesser** to the Architect No. 1 position to serve a three-year term to expire December 31, 2017.

Appointing **Eugene Thorne** to the At-Large No. 2 position to fill an unexpired term to expire December 31, 2015.

Appointing **Laureen Skrivan** to the Professional No. 4 position to fill an unexpired term to expire December 31, 2015.



## RESOLUTION NO. 39069

1 A RESOLUTION related to surplus property; approving the sale of approximately  
2 867 square feet of land located adjacent to Bridgeport Way near the  
3 intersection of Bridgeport Way and 21st Street West, in University Place,  
4 owned by the Department of Public Utilities, Power Division (d.b.a.  
"Tacoma Power") and now surplus to its needs, to the City of University  
Place, for the negotiated price of \$11,900.

5 WHEREAS the City of Tacoma, Department of Public Utilities, Power  
6 Division (d.b.a. "Tacoma Power"), owns approximately 867 square feet of land  
7 (the "Property") located adjacent to Bridgeport Way near the intersection of  
8 Bridgeport Way and 21st Street West, in University Place, and  
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10 WHEREAS this property is an 8.5 foot wide strip comprising the western  
11 border of Tacoma Power's University Substation, and is currently a part of a  
12 larger landscaping buffer between Bridgeport Way and the substation, and  
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14 WHEREAS the City of University Place has been in the process of  
15 making improvements to Bridgeport Way for several years, and this project is  
16 part of Phase 5 of the overall roadway improvement plan, and

17 WHEREAS the City of University Place, expressed interest in purchasing  
18 the Property, and, after fair market value was determined by a third party  
19 appraiser, offered to purchase the Property for the amount of \$11,900, and  
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21 WHEREAS Tacoma Power as determined that there is no foreseeable  
22 need for continued ownership of this property, and that its current operations  
23 are not impacted by this transaction, and  
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1           WHEREAS, on October 15, 2014, by adoption of Public Utility Board  
2 Resolution No. U-10721, the Property was declared surplus to the needs of  
3 Tacoma Water, pending confirmation from the City Council, and  
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5           WHEREAS, pursuant to RCW 35.94.040 and TMC 1.06.280, the City  
6 Council shall conduct a public hearing on the conveyance of City-owned real  
7 property; Now, Therefore,

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

9           Section 1. That continued ownership of the City property, consisting of  
10 approximately 867 square feet of land located adjacent to Bridgeport Way near  
11 the intersection of Bridgeport Way and 21st Street West, in University Place, is  
12 not essential to the needs of the City and is hereby declared surplus property  
13 pursuant to RCW 35.22.020 and Article I, Section 1.2, and Article IX of the  
14 Tacoma City Charter.  
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17           Section 2. That the proper officers of the City are hereby authorized to  
18 enter into a Real Estate Purchase and Sale Agreement to convey this portion of  
19 real property to the City of University Place, for the negotiated price of \$11,900,  
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1 said agreement to be substantially in the form of the document on file in the office  
2 of the City Clerk.

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4 Adopted \_\_\_\_\_

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6 \_\_\_\_\_  
7 Mayor

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9 Attest: \_\_\_\_\_  
10 City Clerk

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12 Approved as to form: \_\_\_\_\_  
13 Chief Deputy City Attorney

14 Requested by Public Utility Board  
15 Resolution No. U-10721

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## RESOLUTION NO. 39070

1 A RESOLUTION relating to Tacoma Rail Mountain Division; authorizing the City  
2 of Tacoma, Public Works Department, Tacoma Rail Mountain  
3 Division ("TRMW"), to enter into an Amendment of the five-year lease  
4 agreement with Western Washington Railroad, LLC, to add 15 miles of  
5 railroad right-of-way, between Maytown and Yelm in Thurston County,  
6 until the termination of the lease on January 17, 2019.

7 WHEREAS, since 1995, the City of Tacoma, Public Works Department,  
8 Tacoma Rail Mountain Division ("TRMW"), has operated and maintained the rail  
9 line that runs between the City and the Port of Chehalis, and

10 WHEREAS, on January 7, 2014, the City Council adopted Resolution  
11 No. 38816, authorizing TRMW to enter into a five-year lease agreement with  
12 Western Washington Railroad, LLC ("WWR") for the operation and maintenance of  
13 an approximately 20-mile section of the rail line running from Maytown, in Thurston  
14 County, to south of Chehalis, in Lewis County, and

15 WHEREAS, since entering into this lease TRMW has been satisfied with  
16 WWR's maintenance and operational practices, and believes it is in the best  
17 interest of the City to amend the lease to add an additional 15 miles of railroad  
18 right-of-way to further reduce costs by divesting TRMW's operating and  
19 maintenance responsibilities, and

20 WHEREAS the proposed lease amendment will allow WWR to perform  
21 freight transportation services, railcar storage and other ancillary uses on the  
22 additional 15 miles of right-of-way, and

23 WHEREAS, as consideration for the lease amendment, WWR will continue  
24 to pay \$50,000 annually as required by the original lease and WWR will take over  
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1 maintenance responsibilities for the additional 15 miles of right-of-way and track;

2 Now, Therefore,

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

4 That the proper officers of the City are hereby authorized to enter into an  
5 amendment of the five-year lease agreement with Western Washington Railroad,  
6 LLC, to add 15 miles of railroad right-of-way, between Maytown and Yelm in  
7 Thurston County, until the termination of the lease on January 17, 2019, said  
8 document to be substantially in the form of the proposed amendment on file in the  
9 office of the City Clerk.  
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12 Adopted \_\_\_\_\_  
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14 \_\_\_\_\_  
15 Mayor

16 Attest:

17 \_\_\_\_\_  
18 City Clerk

19 Approved as to form:

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21 Chief Deputy City Attorney  
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## RESOLUTION NO. 39071

1 A RESOLUTION relating to government relations; authorizing the execution of  
2 a contract with Gordon Thomas Honeywell Governmental Affairs, LLC,  
3 in an amount not to exceed \$170,000, budgeted from the General Fund,  
for legislative lobbying services for the years 2015 and 2016.

4 WHEREAS the City Council annually identifies certain issues that it  
5 considers to be priorities for the upcoming sessions of the Washington State  
6 Legislature in order to: (1) communicate to legislators which issues are considered  
7 most significant to the City that year; and (2) provide direction for City staff to  
8 efficiently prioritize its efforts in representing the City Council's interest, and

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10 WHEREAS the City Council has determined that because of the extent  
11 of legislation considered by the Washington State Legislature with potential  
12 impact on the City and the fact that the development of legislation is a  
13 year-round process, the City requires additional resources and expertise  
14 beyond what is available from City staff, and

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16 WHEREAS the proposed contract with Gordon Thomas Honeywell  
17 Governmental Affairs, LLC, will provide legislative lobbying services for the  
18 General Government for the years 2015 and 2016, and

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20 WHEREAS this lobbying effort will be coordinated with the legislative  
21 lobbying requirements of the Tacoma Public Utilities Department, and

22 WHEREAS, in order to best achieve the legislative priorities of the City, it  
23 is in the City's best interest to enter into the contract with Gordon Thomas  
24 Honeywell Governmental Affairs, LLC, to provide the necessary services for the  
25 General Government through the two-year legislative cycle; Now, Therefore,  
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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the proper officers of the City are hereby authorized to execute a professional services contract with Gordon Thomas Honeywell Governmental Affairs, LLC, in an amount not to exceed \$170,000, budgeted from the General Fund, for legislative lobbying services for the years 2015 and 2016, said document to be substantially in the form of the proposed contract on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney



## RESOLUTION NO. 39072

1 A RESOLUTION relating to government relations; authorizing the execution of  
2 a contract with Simon and Company Incorporated, in the amount of  
3 \$160,701, budgeted from the General Fund, for legislative lobbying  
services for the years 2015 and 2016.

4 WHEREAS the City Council annually identifies certain issues that it  
5 considers to be priorities for the upcoming sessions of the United States Congress  
6 in order to: (1) communicate to legislators which issues are considered most  
7 significant to the City that year; and (2) provide direction for City staff to efficiently  
8 prioritize its efforts in representing the City Council's interest, and  
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10 WHEREAS the City Council has determined that because of the extent  
11 of legislation considered by the United States Congress with potential impact on  
12 the City and the fact that the development of legislation is a year-round process,  
13 the City requires additional resources and expertise beyond what is available  
14 from City staff, and  
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16 WHEREAS, in order to best achieve the legislative priorities of the City, it is  
17 necessary to retain the services of Simon and Company Incorporated to represent  
18 the City's interests before Congress, the administration, federal regulatory  
19 agencies, and to assist members of the City Council and City staff when they travel  
20 to Washington D.C. on City business; Now, Therefore,  
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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the proper officers of the City are hereby authorized to execute a contract with Simon and Company Incorporated, in the amount of \$160,701, budgeted from the General Fund, for legislative lobbying services for the years 2015 and 2016, said document to be substantially in the form of the proposed contract on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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City Clerk

Approved as to form:

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City Attorney



## RESOLUTION NO. 39073

1 A RESOLUTION relating to government relations; authorizing the adoption of  
2 priority issues for the 2015 sessions of the United States Congress and  
Washington State Legislature.

3 WHEREAS, in order to increase efficiency and make the most effective  
4 use of resources, it is necessary for the City Council to establish priority issues  
5 before each annual session of the United States Congress ("Congress") and  
6 the Washington State Legislature ("Legislature"), and  
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8 WHEREAS this action allows members of Congress and the Legislature  
9 to know which issues the City Council considers to be the most significant in a  
10 given year and allows staff to prioritize its legislative activities, and  
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12 WHEREAS the City Council has identified priority issues for the City for  
13 the 2015 Session of the United States Congress and Washington State  
14 Legislature; Now, Therefore,

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

16 That the Council of the City of Tacoma does hereby adopt the "2015 City of  
17 Tacoma State Legislative Agenda" and the "2015 City of Tacoma Federal Policy  
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Agenda” and necessary amendments of the City’s Legislative Policy Manual, said documents to be substantially in the form of the copies on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney



## RESOLUTION NO. 39074

1 A RESOLUTION relating to Special Projects; designating the Fair and Equitable  
2 Collection of Business License Fees and Taxes Project as a special  
3 project of limited duration; and designating general salary classifications  
4 and benefits for persons employed on the project pursuant to Tacoma  
5 Municipal Code 1.24.187 and Section 6.1(h) of the Tacoma City Charter.

6 WHEREAS it is the desire of the City to provide for the fair and equitable  
7 collection of business license fees and taxes, and

8 WHEREAS, currently, two full-time Tax and License Compliance Officers  
9 enforce Title 6 of the Tacoma Municipal Code ("TMC"), Tax and License Code,  
10 with a focus on educating new businesses on tax and license requirements and  
11 enforcing regulatory requirements under the TMC, and

12 WHEREAS more than 5,000 businesses are estimated to be operating in  
13 the City without a business license, and over 2,000 businesses are delinquent in  
14 their payments, and

15 WHEREAS, additionally, a large number of businesses operate during  
16 non-standard hours and have not been contacted by City staff regarding tax and  
17 license requirements, and

18 WHEREAS the City desires to designate the Fair and Equitable Collection  
19 of Business License Fees and Taxes Project as a special project of limited  
20 duration for a period of two years, beginning January 1, 2015, and to employ  
21 special project employees for said project, and

22 WHEREAS project staff will work to educate and license existing,  
23 unlicensed businesses within the City; collect tax and license fees from  
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delinquent businesses; and provide education and outreach to businesses with non-standard hours, and

WHEREAS, pursuant to TMC 1.24.187 and Section 6.1(h) of the Tacoma City Charter, employees who are not regular employees and are hired as special project employees are unclassified and paid as provided for by ordinance or resolution of the City Council; Now, Therefore,

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

Section 1. That the Fair and Equitable Collection of Business License Fees and Taxes Project is hereby designated as a special project of limited duration for a period of two years, effective January 1, 2015.

Section 2. That, in accordance with Tacoma Municipal Code ("TMC") 1.24.187 and Section 6.1(h) of the Tacoma City Charter, employees who have been hired or may be hired for positions expected to be of limited duration shall be designated as unclassified special project employees as of the date of hire.

Section 3. That the salaries and classifications set forth in the Compensation Plan of the City of Tacoma for permanent employees, or the closest classifications, shall be applied, contingent upon funding, to similar positions of the special project, which positions may include, but are not limited to, Tax and License Compliance Officer and Customer Service Representative, Technical. The Compensation Plan is incorporated herein by reference as if fully set forth.



Section 4. That employees who have been hired or may be hired as special project employees shall receive benefits in accordance with and pursuant to the provisions of the Compensation Plan of the City of Tacoma, and shall participate in the City's Retirement System; provided, however, that special project employees hired to work on the identified special project shall not be eligible for longevity pay; and further, that should any current regular employee eligible for longevity pay be assigned to the special project, the employee so assigned shall continue to be eligible for longevity pay and shall become or remain a member of the City's Retirement System pursuant to any applicable provisions of TMC 1.30, and contributions shall be paid therein by the City pursuant to TMC 1.30.360.

Section 5. That, inasmuch as the positions to be filled pursuant to this resolution are of a temporary nature and are unique in that they pertain only to the aforementioned special project, they are deemed unclassified, temporary positions of limited duration and persons so employed in such positions shall have no claim to further or continued employment with the City of Tacoma after cessation of such special project or after cessation of activities funded by said program, except pursuant to obtaining status as regular City of Tacoma employees under the provisions of the TMC or pursuant to further action of the City Council relating to this special project.

Section 6. That all acts by agents or employees of the City consistent herewith are hereby ratified.



1                   Section 7. That the City Manager is hereby authorized to direct the  
2 appropriate City officers to proceed with the necessary actions for the completion  
3 of this special project.

4 Adopted \_\_\_\_\_

6 \_\_\_\_\_  
7 Mayor

8 Attest:

9 \_\_\_\_\_  
10 City Clerk

11 Approved as to form:

12 \_\_\_\_\_  
13 Deputy City Attorney



## RESOLUTION NO. 39075

1 A RESOLUTION relating to fee schedule rates; approving the General  
2 Government Fee Schedule for special and miscellaneous services to  
include charges to the public for various departmental services.

3 WHEREAS various departments of the City's General Government provide  
4 services to the public and charge the recipients the cost of such services, and  
5

6 WHEREAS the cost and description of such services are set forth in a  
7 Fee Schedule, which was approved pursuant to prior resolutions and last  
8 amended by Resolution No. 38680, adopted June 13, 2013, and

9 WHEREAS the existing fee schedule rates are not current and need to be  
10 adjusted accordingly; Now, Therefore,

11  
12 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

13 That the City of Tacoma General Government Fee Schedule ("Fee  
14 Schedule") for special and miscellaneous services which includes charges to the  
15 public for various departmental services and reflects the organization structure,  
16 attached hereto and by this reference incorporated herein as though fully set forth,  
17 is hereby approved by the City Council for use in accordance with the terms  
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1 thereof by the General Government departments, and such Fee Schedule  
2 replaces and supersedes the prior schedule adopted and last amended by  
3 Resolution No. 38680.

4 Adopted \_\_\_\_\_  
5

6 \_\_\_\_\_  
7 Mayor

8 Attest:  
9

10 \_\_\_\_\_  
11 City Clerk

12 Approved as to form:  
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14 \_\_\_\_\_  
15 Deputy City Attorney  
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## RESOLUTION NO. 39076

1 A RESOLUTION relating to provision of public defense standards; adopting  
2 Indigent Defense Services for the City of Tacoma.

3 WHEREAS Section 10.101.030 of the Revised Code of Washington  
4 requires cities operating a court to adopt standards for the delivery of public  
5 defense services, and

6 WHEREAS the City contracts with the Pierce County Department of  
7 Assigned Counsel to provide services to defendants appearing in the Tacoma  
8 Municipal Court; Now, Therefore,

9  
10 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

11 That the City of Tacoma hereby adopts the following standards for the  
12 provision of Public Defense Services:

13 1. Duties and Responsibilities.

14  
15 1.1 Public Defense Services shall be provided to all clients in a  
16 professional, skilled manner consistent with the minimum standards set forth by  
17 the American Bar Association, the Washington State Bar Association, the Rules  
18 of Professional Conduct, case law, and applicable court rules defining the duties  
19 of counsel and the rights of defendants in criminal cases. The Public Defender's  
20 primary and most fundamental responsibility is to promote and protect the  
21 interests of the client.  
22

23 1.2 Public Defense shall be provided to indigent clients whose  
24 eligibility has been determined through an established screening process.  
25  
26



1.3 All Public Defenders providing services by contract shall  
1 quarterly certify their compliance with the standards for indigent defense by filing  
2 a Certification of Compliance as required by CrR 3.1, CrRLJ 3.1, and JuCR 9.2.  
3 Such forms shall be filed with the Tacoma Municipal Court. Copies of each  
4 Public Defender's certification shall be available to the City on request.  
5

6 1.4 Non-Discrimination. The Public Defender shall comply with  
7 all federal, state, and local non-discrimination laws or ordinance. The duty of  
8 non-discrimination relates not only to the provision of services by the Public  
9 Defender to the clients, but also with respect to the hiring and employment  
10 practices of the Public Defender Contractor.  
11

12 2. Administration, Support Services, and Infrastructure.

13 2.1 Contracts for services and proposal submitted in pursuit of  
14 such contracts shall require the Public Defender to provide for or include  
15 adequate administrative support, including, but not limited to:  
16

17 2.1.1 Travel, telephones, law library and/or electronic  
18 research capabilities, financial accounting, case management systems,  
19 computers, word processing equipment and software, office space, and supplies.  
20 Proposal for contracts shall be evaluated to address the training of attorneys and  
21 staff (see Section 2 above) and provide for adequate staffing and other costs  
22 associated with the day-to-day management of a law office.  
23

24 2.1.2 Private offices and/or conference rooms shall be  
25 available which allow the maintenance of confidentiality. A telephone system,  
26 internet access, and postal address shall be provided by the Public Defender.



2.2 The Public Defender shall provide for adequate staffing under the contract. An adequate staff includes provisions for investigative services; legal assistance; accounting services; case management services and/or programs; and access, when needed, to the services of a social worker, mental health professional, and translating services.

3. Evaluation and Monitoring. Public Defense Services shall include a case reporting system and information management system. Such systems shall have the capability to provide periodic reports to the City regarding the caseloads generated under the contract for each attorney and intern providing services under the contract, case disposition, and history. Services shall also include a complaint process for indigent defendants.

4. Caseload Limits. The Public Defender shall comply with all caseload limitations imposed pursuant to the rules and adopted standards of the Washington State Supreme Court, and abide by the Department's Case Weighting Policy for purposes of certifying compliance with these Standards.

5. Compensation. The Public Defender shall warrant that the compensation provided is adequate to provide for the training, administrative and staff services, and infrastructure required by these Standards, court rules, and the state and federal constitutions.

6. Termination and Removal.

6.1 Termination of the contract shall occur only for "good cause." Good cause shall include the failure of the contract Public Defender to render adequate representation to clients, the willful disregard of the rights and best



interests of the client, and the willful disregard of these Standards. Termination may also occur for violation of the express terms of the contract, provided, however, that the Public Defender shall be provided reasonable opportunity, following notice, to cure any technical contract violations that do not impair the provision of quality representation to the indigent client.

6.2 Removal by the court of counsel from representation normally should not occur over the objection of the attorney and the client.

7. Subcontractors, Substitution, and Conflict Counsel.

7.1 In the event of conflict or removal of the Public Defender, Conflict Counsel shall be available, either through a joint contract with the Public Defender and Conflict Counsel, by separate contract with Conflict Counsel, or by court appointment. In the event that alternative or Conflict Counsel is required to be assigned, the Public Defender shall bear no part of the costs associated with the appointment of an alternative or Conflict Counsel. The contract should address the procedures for continuing representation of clients upon conclusion of the agreement.

7.2 Conflict Counsel shall adhere to the standards established by this resolution, including, but not limited to, an evaluation of the overall case count annually by Conflict Counsel under the procedures set forth in this agreement.

8. Update and Evaluation. As the rules established by the Washington State Supreme Court are applied and interpreted by the courts, and when appropriate, the Washington State Bar Association and other



administrative agencies, the City states its intent to review and modify these standards.

9. Effective Date. The provisions of this resolution shall be effective upon adoption, except as expressly provided herein.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney



## RESOLUTION NO. 39077

1 A RESOLUTION setting Tuesday, January 6, 2015, as the date for a public  
2 hearing on the enforcement strategy options for non-licensed marijuana  
3 operations.

4 WHEREAS, at the December 2, 2014, Committee of the Whole meeting,  
5 staff presented an update on the City's enforcement strategy for non-licensed  
6 marijuana operations since 2012, and presented several enforcement options  
7 for consideration, moving forward, and

8 WHEREAS the City Council desires to receive input from citizens  
9 regarding enforcement strategy options for non-licensed marijuana operations;  
10 Now, Therefore,  
11

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

13 Section 1. That a public hearing on proposed enforcement strategies for  
14 non-licensed marijuana operations will be held before the City Council in the  
15 Council Chambers on the first floor of the Tacoma Municipal Building,  
16 747 Market Street, Tacoma, Washington, on Tuesday, January 6, 2015, at  
17 approximately 5:30 p.m. or as soon thereafter as the same may be heard.  
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Section 2. That the Clerk of the City of Tacoma shall give proper notice  
of the time and place of said hearing.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney



## ORDINANCE NO. 28261

AN ORDINANCE relating to wastewater and surface water management;  
amending Chapter 12.08 of the Tacoma Municipal Code by adjusting rates  
and charges for services provided by the Wastewater and Surface Water  
Utilities for the years 2015 and 2016.

WHEREAS the Environmental Services Department, working with the  
Environmental Services Commission ("Commission"), has updated its multi-year  
rate plan and developed proposed general revenue increases for the 2015-2016  
Biennium for Wastewater and Surface Water customers, and

WHEREAS, consistent with the recommendations from the Commission, a  
6 percent per year increase is proposed for Wastewater customers and a  
5.5 percent per year increase is proposed for Surface Water customers, and

WHEREAS these rate increases are driven primarily by increased labor  
costs and increased investment in infrastructure, and

WHEREAS the Low Income Elderly/Low Income Disabled discount has  
been maintained at 30 percent; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

That Chapter 12.08 of the Tacoma Municipal Code is hereby amended as  
set forth in the attached Exhibit "A."

Passed \_\_\_\_\_

Mayor \_\_\_\_\_

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form

\_\_\_\_\_  
Deputy City Attorney



## EXHIBIT "A"

### Chapter 12.08

#### WASTEWATER AND SURFACE WATER MANAGEMENT – REGULATION AND RATES<sup>1</sup>

##### Sections:

- 12.08.005 Purpose and policy.
- 12.08.007 Applicability and administration.
- 12.08.010 Definitions.
- 12.08.020 Prohibitions on discharges - Sanitary.
- 12.08.030 Prohibitions on storm drainage, ground water and unpolluted water - Sanitary.
- 12.08.040 Limitations on wastewater strength.
- 12.08.050 Limitations on radioactive wastes.
- 12.08.060 Limitations on the use of garbage grinders.
- 12.08.070 Limitations on point of discharge.
- 12.08.080 Prohibited, allowable, and conditional discharges – Storm.
- 12.08.090 Stormwater program requirements.
- 12.08.095 Exceptions procedure.
- 12.08.100 Sampling and testing of wastewater.
- 12.08.130 Pretreatment of commercial and/or industrial wastewater.
- 12.08.140 Industrial wastewater discharge permits.
- 12.08.150 Reporting requirements for wastewater permittee.
- 12.08.160 Wastewater monitoring facilities.
- 12.08.170 Confidential information.
- 12.08.180 Emergency suspension of service and revocation of discharge permits.
- 12.08.190 Prohibited practices; termination of treatment services.
- 12.08.200 Enforcement procedures.
- 12.08.210 Duty to reapply.
- 12.08.220 Operating upsets.
- 12.08.230 Accidental discharges - Spills.
- 12.08.240 Records retention.
- 12.08.300 Holding tank waste.
- 12.08.310 Designation of places and manner of discharge of holding tank contents.
- 12.08.320 Discharge of holding tank contents - Charges - Report.
- 12.08.330 Sanitary sewage from outside the City.
- 12.08.340 Charges and rates for direct wastewater services for properties outside the City.
- 12.08.350 Connection Charge-in-lieu-of-Assessment.
- 12.08.360 Charges and rates for wastewater service inside the City limits.
- 12.08.362 Charges for fixed-term discharges to the sanitary sewer of effluent from groundwater pump-and-treat systems.
- 12.08.365 Charges for special approved discharges.
- 12.08.368 Charges for TAGRO.
- 12.08.370 Classification of users of sanitary sewers.
- 12.08.380 Types of Charges and Fees Relating to Use of Sanitary Sewers.
- 12.08.390 Basis for determination of commercial/industrial charges for use of wastewater system [by monitored users](#).

<sup>1</sup> Disposal systems, installation and connection – See Section 2.12.040. Authority to operate – See RCW 80.40.020 and 35.21.210.



- 12.08.400 Charge for Commercial/Industrial Wastewater User Groups.  
12.08.410 *Repealed.*  
12.08.420 Water source.  
12.08.430 Reconsideration of wastewater rates.  
12.08.440 Regular review of wastewater and surface water rates.  
12.08.450 New services - Rates.  
12.08.460 Minimum charge.  
12.08.470 Unlawful installations.  
12.08.500 Surface water rates and charges.  
12.08.510 Billing for storm and surface water sewerage charges.  
12.08.520 Reconsideration of storm and surface water sewerage charges.  
12.08.530 Exclusions of certain properties from storm and surface water sewerage charges.  
12.08.540 Organized drainage or drainage improvement districts.  
12.08.550 *Repealed.*  
12.08.560 Low impact development stormwater and surface water systems.  
12.08.600 Billing periods, payments, and collections.  
12.08.610 Property owner liability - Supplemental charges.  
12.08.620 Contracts with the state, sewer or water districts and other municipal corporations.  
12.08.630 Sewer fund created.  
12.08.640 Environmental Services Conservation Loan Program.  
12.08.650 *Repealed.*  
12.08.660 *Repealed.*  
12.08.670 Violation - Penalties.  
12.08.675 Notice of violation - Civil penalties.  
12.08.677 Dischargers in significant noncompliance.  
12.08.678 Appeals of orders, requirements, decisions and determinations.  
12.08.680 Severability - Saving.  
12.08.700 Utility Reimbursement Agreements Wastewater and Surface Water Utility Improvements.  
12.08.720 Side Sewer Condition Education Requirement.  
12.08.740 Side Sewer and Sanitary Sewer Availability Manual.

\* \* \*

#### **12.08.010 Definitions.**

Words and phrases used in this chapter shall be interpreted as defined below. Where ambiguity exists, technical words or phrases shall be interpreted in accordance with the City's Manual; nontechnical words or phrases shall be given their dictionary meaning.

Any pretreatment limit or prohibitive standard (federal, state, and/or local) contained in this chapter deemed to be the most restrictive with which commercial/industrial users will be required to comply.

[“Accessory Dwelling Unit \(ADU\).” A second subordinate dwelling unit located on the same lot as a single-family dwelling \(hereinafter referred to as the “main dwelling”\) and either within the same building as the main dwelling or in a detached building, with a provision for independent cooking, living, sanitation, and sleeping.](#)

“AKART.” The application of all known, available, and reasonable methods of prevention, control, and treatment to storm and surface water and wastewater discharges as required by chapter 90.48. RCW.

“Approval.” The determination by the Director that the proposed or completed work or activity conforms to this chapter.

“Authorized representative of the user.”

1. If the user is a corporation:



1 a. The president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or

2 b. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

3 2. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively;

4 3. If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his or her designee;

5 4. The individuals described in paragraphs 1 through 3 above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

6 "Availability." Those premises which are determined per the Side Sewer and Sanitary Sewer Availability Manual to have a wastewater sewer available for connection to the premises.

7 "Basin Plan." A plan to manage the quality and quantity of surface water or stormwater in a watershed or basin.

8 "Batch discharge." Any single discharge that is specifically allowed under a wastewater permit or Special Approved Discharge authorization and requires the prior written approval of the Director before discharge to the sanitary sewer system may begin.

9 "Best Management Practices" or "BMPs." Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and education practices, maintenance procedures, and structural or managerial practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operation procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage. BMPs for stormwater management are listed and described in the City of Tacoma's Stormwater Management Manual. The term "Best Management Practice" shall also include any City-approved schedule of activities, treatment practices, prohibitions of practices, maintenance procedures, and other management practices based on applicable Pretreatment Standards in 40 CFR Part 403, federal categorical effluent standards, local limits, and state and local laws which are implemented by a user to prevent pollutants from entering a facility's waste stream and causing "interference" or "pass through," as these terms are defined under 40 CFR Part 403.3 and TMC-12.08.010.

10 "BOD" (Biochemical Oxygen Demand). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade, expressed in parts per million or milligrams per liter (mg/L) by weight, using "Standard Methods," 17th Edition, or other approved methods in 40 CFR Part 136.

11 "Categorical pretreatment standards." The limitations on pollutant discharges to Publicly Owned Treatment Works (POTWs) promulgated by the U.S. Environmental Protection Agency (USEPA) in accordance with Section 307 of the Clean Water Act (CWA), that apply to specified process wastewater of particular industrial categories (40 CFR Chapter I, Subchapter N, Parts 405-471 and amendments thereto).

12 "City." The City of Tacoma, Washington, a municipal corporation organized and existing under and by virtue of the laws of the state of Washington. "Within the city" means within the City boundaries as now or hereafter constituted.



“Clean Water Act or “CWA.” The Federal Water Pollution Control Act, as amended (33 USC 1251-~~et~~-seq.).

“Color.” The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

“Commercial and/or industrial discharger (discharger/user).” Any nonresidential user who discharges an effluent into the Municipal Sewer System by any means including, but not limited to, pipes, conduits, pumping stations, force mains, tank trucks, constructed drainage ditches, surface water intercepting ditches, intercepting ditches, and all constructed devices and appliances appurtenant thereto, including over-land flow.

“Commercial and/or industrial waste.” Any liquid, solid, or gaseous substance, or combination thereof, resulting from or used in connection with any process of industry, manufacturing, commercial food processing, food service establishment, business, agriculture, trade or research including, but not limited to, development, recovering, or processing of natural resources, and leachate from landfills or other disposal sites.

“Director.” The Director of the Environmental Services Department of the City of Tacoma or his or her authorized representative.

“Discharger.” A “commercial and/or industrial discharger,” as defined in TMC 12.08.010, and shall also include any property owner, business owner, multi-family residential property owner, tenant, residential homeowner or homeowner’s association/representative group, or any other individual, company, or vessel residing and/or conducting business within Tacoma that discharges wastewater or stormwater directly or indirectly to Tacoma’s municipal sewer system and/or receiving waters.

“Domestic User (Residential User).” Any person who contributes, causes, or allows the contribution of wastewater into the (City) POTW that is of a similar volume and/or chemical makeup to that of a residential dwelling unit.

“Domestic waste.” Water carrying human wastes including kitchen wastes, bath wastes, and laundry wastes that are typical of residential discharges, but does not include industrial wastes. Domestic wastes may be discharged by residential users, and by commercial and/or industrial dischargers.

“Effluent Limit.” Any restriction, prohibition, or specification established under 40 CFR Part 403, Chapter 173.220 WAC, or Chapter 12.08 TMC that regulates the quantities, rates, percent removal, and/or concentrations of physical, chemical, or biological characteristics of wastes which are discharged into the Municipal Sewer System, including Best Management Practices for the prevention or control of such waste discharges.

“Emerging BMP.” A BMP that has not been tested and evaluated by the Department of Ecology in collaboration with local governments and technical experts.

“Erosion.” The wearing away of the land surface as a result of the movement of water, wind, ice, or any other means.

“Erosion and Sediment Control.” Any temporary or permanent measures taken to reduce erosion, control siltation and sedimentation, and ensure that sediment-laden water does not leave a given site.

“Excessive discharge.” Any wastewater released directly or indirectly to the Municipal Sewer System at a rate and/or concentration greater than that which has recently been monitored or would normally be expected from a classified commercial/industrial discharger.

“Food Service Establishment.” Any facility, which serves, prepares, processes, manufactures, or packages food for consumption such as a restaurant, commercial kitchen, caterer, hotel, school, hospital, detention facility, or care institution.

“Ground water.” Water in a saturated zone or stratum beneath the surface of the land or below a surface water body.



1 “Illicit Connection.” Any connection to the City’s stormwater drainage system, identified by the  
2 Director, that could convey anything not composed entirely of surface water and stormwater directly to  
3 surface water, stormwater, or groundwater. Illicit connections are prohibited unless the connection  
4 conveys approved discharges, or conveys discharges pursuant to an NPDES permit (other than an  
5 NPDES stormwater permit), or State Waste Discharge Permit.

6 “Illicit Discharges.” Any direct or indirect non-stormwater discharge or spill to the City’s stormwater  
7 drainage system, ground water, or receiving waters within Tacoma city limits. Illicit discharges may also  
8 include, but are not limited to, discharges of industrial process water, discharges from sanitary sewer  
9 connections and interior floor drains, and discharges from car-washing activities and gray water  
10 systems.

11 “Impervious surface.” A surface area which either prevents or retards the entry of water into the soil  
12 mantle as under natural conditions prior to development, and/or a surface area which causes water to run  
13 off the surface in greater quantities or at an increased rate of flow from the flow present under natural  
14 conditions prior to development. Further definition may be found in the City’s Manual.

15 “Industrial wastewater permit” (“wastewater permit”). A permit to discharge wastewater into the  
16 Municipal Sanitary Sewer System issued under the authority of this chapter which prescribes certain  
17 requirements and limitations.

18 “Interference.” A discharge which:

- 19 1. Alone or in conjunction with a discharge(s) from other sources, inhibits or disrupts the normal  
20 operation of the Municipal Sewer System; or
- 21 2. Causes a violation, or increases the magnitude of, or extends the duration of an existing violation, of  
22 any requirement of the City’s POTW-NPDES permit(s); or
- 23 3. Prevents the use or disposal of sewage sludge or biosolids in accordance with local, state, and federal  
24 regulations and any permits issued thereunder, including the Clean Water Act, Section 405; the Solid  
25 Waste Disposal Act (including Title II, also known as the Resource Recovery and Conservation Act, and  
26 any state regulations contained in any state sludge management plan); the Clean Air Act; the Toxic  
Substances Act; and the Marine Protection, Research and Sanctuaries Act.

“Land-disturbing activity.” Activity that results in a change in the existing soil cover (both vegetative  
and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not  
limited to, demolition, construction, clearing, grading, filling, stockpiling, excavation, and land  
modification.

“Manual.” The manual referred to in this ordinance is the City of Tacoma’s Stormwater Management  
Manual, as amended.

“Manual (Department of Ecology).” The manual refers to the latest version of the Washington State  
Department of Ecology’s stormwater management manual, applicable to Western Washington.

[“Multiple-family residence” is any premise consisting of two or more living units served through a  
single water meter.](#)

“Municipal Sewer System.” The system of conduits, pumps, treatment plants, structures, and properties  
including, without limitation, all properties, interests, physical and intangible rights of every kind or  
nature owned or held by the City and all appurtenances thereto, however acquired, insofar as they relate  
to or concern drainage, transportation, storage or treatment, in any manner whatsoever, of waste matter  
or stormwater and surface water of any nature now or hereafter permitted by this chapter to enter the  
Municipal Sewer System. Sanitary sewers and storm drains, separately and in combination, are, without  
limitation, included in the Municipal Sewer System.



1 “New development.” Land-disturbing activities; structural development including construction,  
2 installation, or expansion of a building or other structure; creation of impervious surfaces; and  
3 subdivision and short subdivision of land as defined in RCW 58.17.020.

4 “New source.” Any building, structure, facility, or installation from which there is or may be a discharge  
5 of pollutants, the construction of which commenced after publication of proposed pretreatment standards  
6 under Section 307(c) of the Federal Water Pollution Control Act (FWPCA) which will be applicable to  
7 such sources if such standards are thereafter promulgated in accordance with that section, provided that:

8 1. The building, structure, facility or installation is constructed at a site at which no other source is  
9 located; or

10 2. The building, structure, facility or installation totally replaces the process or production equipment  
11 that causes the discharge of pollutants at an existing source; or

12 3. The production or wastewater-generating processes of the building, structure, facility, or installation  
13 are substantially independent of an existing source at the same site. In determining whether these are  
14 substantially independent, factors such as the extent to which the new facility is integrated with the  
15 existing plant, and the extent to which the new facility is engaged in the same general type of activity as  
16 the existing source, should be considered.

17 Construction on a site at which an existing source is located results in a modification rather than a new  
18 source if the construction does not create a new building, structure, facility, or installation meeting the  
19 criteria of paragraphs (2) or (3) above, but otherwise alters, replaces, or adds to existing process or  
20 production equipment.

21 Construction of a new source as defined under this section has commenced if the owner or operator has:

22 1. Begun, or caused to begin as part of a continuous on-site construction program:

23 a. Any placement, assembly, or installation of facilities or equipment, or

24 b. Significant site preparation work including clearing, excavation, or removal of existing buildings,  
25 structures, or facilities which is necessary for the placement, assembly, or installation of new source  
26 facilities or equipment; or

2 2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are  
3 intended to be used in its operation within a reasonable time. Options to purchase or contracts which can  
4 be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design  
5 studies do not constitute a contractual obligation under this section.

6 “New user.” A person that submits an application for and receives a new building permit from the City  
7 for a structure that will discharge wastewater to the Municipal Sewer System or any person who  
8 occupies an existing building and plans to discharge wastewater to such system. Any person that buys an  
9 existing facility that is discharging commercial and/or industrial wastewater will be considered an  
10 “existing user” if no significant changes are made in the manufacturing operation. The term “new user”  
11 shall not mean a “new source” or “existing source,” as defined in 40\_CFR\_Part\_403.3.

12 “Noncontact cooling water.” Water that does not mix, communicate with, or come into direct contact  
13 with any raw material, intermediate product, waste product, or finished product, and to which the only  
14 pollutant added is heat.

15 “North American Industry Classification System (NAICS) Code.” The NAICS, which replaces the  
16 Standard Industrial Classification (SIC) Code is an industrial classification scheme developed by the  
17 United States Office of Management and Budget used to classify business establishments for the  
18 collection, tabulation, presentation, and analysis of statistical data describing the U.S. economy.

19 “NPDES permit.” A permit issued to the City of Tacoma by the Department of Ecology under the  
20 National Pollutant Discharge Elimination System program. Examples of NPDES permits include a



POTW NPDES permit, a municipal stormwater NPDES permit, a construction stormwater NPDES permit, a sand and gravel NPDES permit, and an industrial stormwater NPDES permit.

“Open space parcel with forested land cover.” An undeveloped parcel of land where trees cover the majority of the land surface which is dedicated by deed or other instrument to remain in such condition and which reduces the quantity and improves the quality of stormwater collected by Tacoma’s municipal stormwater conveyance systems through infiltration, filtration, storage, evaporation and transpiration.

“Owner” Any individual, corporation, or entity that holds the title to a real property as shown by the Pierce County Assessor’s records.

“Pass through.” A discharge which exits the POTW into waters of the United States in quantities or concentration which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW NPDES permit (including an increase in the magnitude or duration of a violation).

“Person.”

1. A natural person, including that person’s heirs, executors, administrators, and assigns;
2. A public or private corporation, co-partnership, association, or firm;
3. A government agency or any political subdivision; or
4. Any other entity whatsoever.

Singular includes plural; male includes female.

“pH.” The negative logarithm of the effective hydrogen-ion concentration or hydrogen activity in gram equivalents per liter used in expressing both acidity and alkalinity on a scale whose values run from 0 to 14, with 7 representing neutrality, numbers less than 7 increasing acidity, and numbers greater than 7 increasing alkalinity.

“Pollutant.” Any substance that is discharged to receiving waters or the Municipal Sewer System which is prohibited or limited by the requirements of this chapter. See TMC 12.08.020 through TMC 12.08.080.

“Premises.” A continuous tract of land, building, or group of adjacent buildings under a single control with respect to use of water and responsibility for payment therefor. Subdivision of such use or responsibility shall constitute a division into separate premises as herein defined, except where more than one dwelling is being served through the same water meter, in which case, each of said dwellings shall constitute a separate premises and shall be subject to the same separate charges as if separate single-family dwellings.

“Pretreatment.” The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into Tacoma’s POTW or Municipal Sanitary Sewer System. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes, or by other means, except as prohibited by 40 CFR Part 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR Part §403.6(e).

“Pretreatment requirements.” Any substantive or procedural requirement related to pretreatment other than a National Pretreatment Standard imposed on a Commercial and/or Industrial User.

“Pretreatment standard.” Any regulation containing pollutant limitations promulgated by the EPA in accordance with 33 U.S.C. § 1317(b) and (c) and 40 CFR Parts 401 through 471. The term



“pretreatment standard” also includes any prohibited discharge standards, categorical pretreatment standards, BMPs, local limits established by the City, and Effluent Limits.

1 “Private side sewer.” The term private side sewer shall be defined according to TMC 12.08.720.

2 “POTW.” The Publicly Owned Treatment Works, which includes any devices and systems, owned by a  
3 state or municipality, used in the collection, transportation, storage, treatment, recycling, and  
4 reclamation of wastewater.

5 “Receiving Water.” The surface water, ground water, water course, or wetland receiving drainage water  
6 within Tacoma City limits. Surface water includes, but is not limited to, bays, waterways, rivers, and  
7 creeks.

8 “Redevelopment.” The creation or addition of impervious surfaces on a site that has already been  
9 substantially developed, including structural development, construction, installation or expansion of a  
10 building or other structure, and/or replacement of impervious surface that is not part of a routine  
11 maintenance activity, and land-disturbing activities associated with structural or impervious  
12 redevelopment.

13 “Residential user.” Any single-family or multi-family customer discharging wastewater limited to  
14 kitchen wastes, human wastes, and housekeeping cleaning materials, in volumes and/or concentrations  
15 normally discharged from these classes of customers.

16 “Responsible party.” Any or all of the following persons: owners or occupants of property within the  
17 City of Tacoma and/or any person causing or contributing to a violation of the provisions of this chapter.

18 “Runoff.” Water originating from rainfall or other precipitation that is found in drainage facilities,  
19 rivers, streams, seeps, ponds, lakes, and wetlands as well as shallow groundwater. It also means the  
20 portion of rainfall or other precipitation that becomes surface flow or interflow.

21 “Sanitary sewers.” Those portions of the Municipal Sewer System which are designated by the Director  
22 to carry, treat, or dispose of wastewater not constituting storm or surface water permitted by or under  
23 this chapter to enter the Municipal Sewer System. Sanitary sewers are also referred to in this chapter and  
24 have the same definition as wastewater sewers.

25 “Significant Industrial User (SIU).” Except as provided in subparagraph 3, “significant industrial user”  
26 means:

1. All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR  
Chapter I, Subchapter N.

2. Any other industrial user which discharges an average of 25,000 gallons per day or more of process  
wastewater to the POTW (excluding domestic, noncontact cooling and boiler blowdown wastewater); or  
contributes a process waste stream which makes up 5 percent or more of the average dry weather  
hydraulic or organic capacity of the POTW; or is designated as such by the Director on the basis that the  
industrial user has a reasonable potential for adversely affecting the POTW’s operation; or for violating  
any pretreatment standard or requirement (in accordance with 40 CFR 403.8 (F)(6), as found in  
55 FR-30128, July 24, 1990).

3. Upon finding that an industrial user meeting the criteria in paragraph 2 above has no reasonable  
potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or  
requirements, the Director may, at any time, on his or her own initiative or in response to a petition  
received from an industrial user, and in accordance with 40 CFR 403.8(F)(6), determine that such  
industrial user is not a significant industrial user.

“Significant noncompliance” with applicable pretreatment requirements exists when a violation by an  
industrial user meets one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all  
the measurements taken for the same pollutant parameter during a six-month period exceed (by any



magnitude a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(l);

2. Technical Review Criteria (TRC) violations, defined as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

3. Any other violation(s) of a Standard or Requirement as defined by 40 CFR Part 403.3(l) daily maximum, long-term average, instantaneous limit, or narrative standard that the Director determines has caused, alone or in combination with other discharges, interference or pass through or endangered the health of the general public or sewage treatment personnel);

4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;

5. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in an industrial wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

6. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

7. Failure to accurately report noncompliance;

8. Any other violation or group of violations which may include a violation of Best Management Practice, the Director determines will adversely affect the operation or implementation of the City's Pretreatment Program.

"Significant noncompliance" with requirements for discharges to the storm drainage system or receiving water exists when an instance of noncompliance or Code violation meets one or more of the following criteria:

1. Any discharge or potential discharge of a pollutant that has caused or may cause a threat to human health, public safety or the environment, or that has resulted in the exercise of emergency authority to halt or prevent such a discharge;

2. Failure to complete a required corrective action within 30 days after the scheduled date required in a Notice of Violation, Corrective Action, or other enforcement document.

3. Any other violation or group of violations that the Director determines will adversely affect the operation and implementation of the City's Stormwater Management Program or its NPDES permit.

"Single-family residence."

1. Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, for use by not more than one family;

2. Instances in which more than one residence is served through a single water meter; and

3. Those individual units within multi-family complexes that are served by a separate water meter.

"Slug load." Any discharge at a flow rate or concentration which could cause a violation of any Pretreatment Standard or Requirement, as defined by 40 CFR Part 403.3(1) or this chapter, including any discharge of a nonroutine, episodic nature, including, but not limited to, an accidental spill or a noncustomary batch discharge.

"Source Control." Actions, activities, and the implementation of BMPs to prevent or reduce the introduction of contaminants to the Municipal Sewer System. Examples include, but are not limited to:



segregating or isolating waste; enclosing, covering, or containing the activity to prevent contact with stormwater; developing and implementing inspection and maintenance programs; sweeping; and taking management actions such as training employees on pollution prevention.

“Spill.” An unauthorized discharge of a pollutant enumerated in TMC 12.08.080 to the municipal sewer system or receiving waters within Tacoma City limits.

“Storm drainage facility.” Any constructed facility or natural feature that collects, conveys, or stores surface water and stormwater runoff. Drainage facilities include, but are not limited to, stormwater conveyance and containment facilities including pipelines, constructed channels and ditches, infiltration facilities, retention and detention facilities, stormwater treatment facilities, erosion and sediment control facilities, and all other drainage structures and appurtenances.

“Storm drains.” Those portions of the Municipal Sewer System which do, or are designated by the Director to, detain or retain, carry or dispose of stormwater and surface water and such other waters as are not required by or under this chapter or other applicable law to be disposed of through sanitary sewers, in accordance with the provisions hereinafter set forth. Storm drains shall, without limitation, include all properties, interests and rights of the City insofar as they relate to or concern storm or surface water sewerage, whether natural or constructed, in and to the drainage or storage, or both, of storm or surface waters, or both, including without limitation through, under or over lands, landforms, watercourses, sloughs, streams, ponds, lakes and swamps.

“Stormwater.” Runoff during and following precipitation and snowmelt events, including surface runoff, drainage, and interflow.

“Stormwater Pollution Prevention Plan (SWPPP).” A document which describes the best management practices and activities to be implemented by a person to identify sources of pollution or contamination at a premises or parcel and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

“Suspended solids.” Solids that either float on the surface of or are in suspension in water, sewage, or other liquid; and which are removable by laboratory filtering using Standard Methods, 17th Edition.

“TMC.” The Tacoma Municipal Code.

“Toxic pollutant.” Those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the Director, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring.

“Track-out.” Material such as dirt, mud and other debris that is deposited on paved public streets or alleys by vehicles exiting a construction site or a commercial or industrial facility.

“Upset.” An exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the applicable pretreatment standards due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

“User or Industrial User.” A nondomestic source of an indirect discharge to the municipal sanitary sewer system.

“WAC.” The Washington Administrative Code.

“Wastewater.” Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated.



“Wastewater sewer.” Those portions of the Municipal Sewer System which are designated by the Director to carry, treat or dispose of wastewater not constituting storm or surface water permitted by or under this chapter to enter the Municipal Sewer System. Wastewater sewers are also referred to in this chapter and have the same definition as sanitary sewers.

\* \* \*

### **12.08.300 Holding tank waste.**

A. No person in the business of pumping wastes from septic or other holding tanks shall discharge the contents of any holding tank (including, without limitation, septic tank, cesspool or chemical toilet waste) into the Municipal Sanitary Sewer System unless that person has been properly licensed by the City of Tacoma Tax and License Division of the Finance Department and issued a current permit by the Tacoma-Pierce County Health Department. The discharger shall pay the applicable charges and fees and shall meet all other conditions [of the Environmental Services Commercial Septage Hauler Policy and Facility Procedures](#) as required by the City. An exception to this requirement is that no license or permit will be required in the case of discharge of domestic wastes from individual mobile home (camper, motor home, camping trailer, etc.) holding tanks; provided that such discharges are made into a City-approved facility designed to receive such wastes.

B. Only domestic wastewater shall be authorized to be discharged into the Municipal Sanitary Sewer System at the POTW. Any other waste, including but not limited to grease traps, oil/water separators, interceptors, or septic tanks comprising waste other than domestic wastewater, or any mixture thereof, shall not be discharged at the POTW, unless authorized by the Director.

C. Any mixture of hazardous or dangerous wastes, as defined by federal, state, or local laws and regulations, regardless of the quantity or ratio, in a holding tank is strictly prohibited from being discharged into the Municipal Sanitary Sewer System.

\* \* \*

### **12.08.320 Discharge of holding tank contents – Charges – Report.**

A. A charge shall be made for ~~each truckload or container load~~ [the total gallons](#) of holding tank waste material discharged at the wastewater treatment plant, and shall be payable to the City Treasurer and credited to the Wastewater Management Fund. The charge shall be as follows:

#### **Effective Date: March 1, 2013:**

	<a href="#">From Within the City</a>	<a href="#">From Outside the City</a>
<a href="#">Septic Tank Wastes (Holding, Cesspool, etc.) and Chemical Toilet Wastes</a>	<a href="#">\$12.26/100 gal.</a>	<a href="#">\$13.49/100 gal.</a>

#### **Effective Date: January 1, 2014:**

	<a href="#">From Within the City</a>	<a href="#">From Outside the City</a>
<a href="#">Septic Tank Wastes (Holding, Cesspool, etc.) and Chemical Toilet Wastes</a>	<a href="#">\$12.85/100 gal.</a>	<a href="#">\$14.14/100 gal.</a>

#### **Effective Date: January 1, 2015:**

	<a href="#">From Within the City</a>	<a href="#">From Outside the City</a>
<a href="#">Septic Tank Wastes (Holding, Cesspool, etc.) and Chemical Toilet Wastes</a>	<a href="#">\$13.63/100 gal.</a>	<a href="#">\$15.00/100 gal.</a>



**Effective Date: January 1, 2016:**

	<u>From Within the City</u>	<u>From Outside the City</u>
<u>Septic Tank Wastes (Holding, Cesspool, etc.) and Chemical Toilet Wastes</u>	<u>\$14.45/100 gal.</u>	<u>\$15.90/100 gal.</u>

B. Prior to the discharge of any material from holding tanks, ~~a written report shall be submitted to the Wastewater Operations Management Division administrative office at 2201 Portland Avenue, Tacoma, WA, 98421. The report shall be made on forms provided by the City, and all pertinent information required for charges shall be completed.~~ the operator will correctly identify the source and contents being disposed. Incomplete or inaccurate ~~reports will reporting may~~ result in the application of the highest chargeable rate.

\* \* \*

**12.08.350 Connection Charge-in-lieu-of-Assessment.**

Owners of premises within the City adjacent to and abutting upon the sanitary sewer system and which premises have not been previously assessed under a Local Improvement District ("LID") under this chapter, or under former TMC 12.08 for a sanitary sewer improvement, may connect those premises to and discharge sewage into the sanitary sewers upon receipt of a permit issued by the Director.

Such permit shall be issued only upon written application to the Director by the owner of the premises to be served and subject to the following terms and conditions:

A. The owner shall obtain all permits and pay all fees necessary and required by the City and shall construct said connecting sewers in compliance with all requirements and specifications of the City governing the same.

B. Except as provided in paragraph E of this section, the owner, prior to the issuance of any permit herein authorized, shall pay in cash to the City a Connection Charge-in-lieu-of-Assessment. This charge shall be computed at the guaranteed rate per "Assessable Unit of Frontage" in effect at the time of construction of the sanitary sewer line to be used to serve the premises of such owners, unless as otherwise provided below. The rate for computation of such Connection Charge-in-lieu-of-Assessment shall be determined as of the date of completion of construction of the particular sanitary sewer line to be so used, as reflected by the rates shown below in Table I.

**Rate Per A.U.F.**

**Two Side      One Side**

**Construction Date      Service Service**

Prior to September 30, 1957      \$3.25      \$3.25  
October 1, 1957 to September 20, 1960      \$3.25      \$4.75  
September 21, 1960 to January 15, 1963      \$3.75      \$4.75  
January 16, 1963 to November 19, 1968      \$4.50      \$5.50  
November 20, 1968 to July 17, 1973      \$5.75      \$9.00  
July 18, 1973 to April 8, 1975      \$7.50      \$11.00  
April 9, 1975 to December 5, 1978      \$15.50      \$23.00  
December 6, 1978 to December 31, 1982      \$20.00      \$38.00  
January 1, 1983 to June 2, 1991      \$24.50      \$46.50



June 3, 1991 to June 30, 1994 — \$30.00 — \$60.00  
 July 1, 1994 to December 31, 1998 — \$40.00 — \$80.00  
 January 1, 1999 to May 31, 2011 — \$50.00 — \$100.00  
 June 1, 2011 and thereafter — \$75.00 — \$150.00

<u>Construction Date</u>	<u>Rate Per A.U.F.</u>	
	<u>Two Side Service</u>	<u>One Side Service</u>
<u>Prior to September 30, 1957</u>	<u>\$3.25</u>	<u>\$3.25</u>
<u>October 1, 1957 to September 20, 1960</u>	<u>\$3.25</u>	<u>\$4.75</u>
<u>September 21, 1960 to January 15, 1963</u>	<u>\$3.75</u>	<u>\$4.75</u>
<u>January 16, 1963 to November 19, 1968</u>	<u>\$4.50</u>	<u>\$5.50</u>
<u>November 20, 1968 to July 17, 1973</u>	<u>\$5.75</u>	<u>\$9.00</u>
<u>July 18, 1973 to April 8, 1975</u>	<u>\$7.50</u>	<u>\$11.00</u>
<u>April 9, 1975 to December 5, 1978</u>	<u>\$15.50</u>	<u>\$23.00</u>
<u>December 6, 1978 to December 31, 1982</u>	<u>\$20.00</u>	<u>\$38.00</u>
<u>January 1, 1983 to June 2, 1991</u>	<u>\$24.50</u>	<u>\$46.50</u>
<u>June 3, 1991 to June 30, 1994</u>	<u>\$30.00</u>	<u>\$60.00</u>
<u>July 1, 1994 to December 31, 1998</u>	<u>\$40.00</u>	<u>\$80.00</u>
<u>January 1, 1999 to May 31, 2011</u>	<u>\$50.00</u>	<u>\$100.00</u>
<u>June 1, 2011 and thereafter</u>	<u>\$75.00</u>	<u>\$150.00</u>

1. In no case shall the Connection Charge-in-lieu-of-Assessment be less than the rate per “Assessable Unit of Frontage” charged to the original LID participants; therefore, in the event that the rate per “Assessable Unit of Frontage” charged to the original LID participants was higher than the rate set forth in this table, the Connection Charge-in-lieu-of-Assessment shall be equal to the higher rate. In addition to the “Assessable Unit of Frontage” charge calculated according to Table I above, for each connection to the sanitary sewers there shall be charged by the City a flat-rate charge of \$1,250. However, in no case shall the total charge for the connection exceed the charge that would result from using the prevailing guaranteed maximum rate in effect at the time of the connection, unless as otherwise provided below.

2. For connections to any sanitary sewer line built with City funds instead of by LID, and constructed after January 1, 1999, the Connection Charge-in-lieu-of-Assessment for each abutting premises shall be the proportionate share of the actual cost to construct the sanitary sewer line. The proportionate share shall be the ratio of each premises’ “Assessable Units of Frontage” to the total units of frontage, multiplied by the actual cost to construct the sanitary sewer line, plus any costs for side sewers. Actual cost to construct the sanitary sewer line shall be defined as the final applicable construction cost plus a 15 percent allowance for engineering, survey, inspection, and administration. In no case shall the connection charge exceed the benefit accruing to each premise. If the charge that would result from using the prevailing guaranteed maximum rate exceeds the proportionate share, the flat-rate charge of \$1,250 shall be added to the proportionate share.

a. The calculation shall use the actual rate charged to the LID participants or the prevailing guaranteed maximum rate in effect at the time of construction, whichever is highest, unless the sewer was built with City funds after January 1, 1999. If the sewer was built with City funds after January 1, 1999, the calculation shall use the prevailing guaranteed maximum rate in effect at the time of connection or the final applicable construction cost plus 15 percent, whichever is highest.

3. Connecting of premises to an existing sanitary sewer which is not adjacent to or abutting the subject premises shall be subject to a Connection Charge-in-lieu-of-Assessment calculated using the higher of the prevailing guaranteed maximum rate in effect at the time of connection.



1 4. If a sanitary sewer main is extended to be adjacent to or abutting the subject premises, the adjacent or  
2 abutting premises, which are identified on the City's Request for Release as having contributed to the  
3 costs of the design and construction of the sanitary sewer main, shall be connected to such sanitary  
4 sewer main at no additional connection charge, as set forth in subsection C below; provided the  
5 owner/developer has submitted "As-Built" drawings to the City depicting the connection and has also  
6 executed the City's Certificate of Release.

7 4.5. It is the intent of the City that all premises shall pay their fair share of the cost of construction of  
8 abutting and adjacent sanitary sewers. The owner of any premises which connects to an existing sanitary  
9 sewer without payment of the applicable charges, hereinabove described, owes and shall be required to  
10 pay such charges.

11 5.6. The "Assessable Units of Frontage" and the amount to be paid thereon at the rate hereinabove  
12 specified shall be computed in the same manner as the procedure set forth for LIDs under  
13 chapter 35.44 RCW. In addition to the connection charge hereinabove provided for, the total cost of the  
14 construction of all sewers so connected shall be borne by the owner of the premises.

15 C. The Connection Charge-in-lieu-of-Assessment hereinabove provided for shall be credited to and  
16 considered as a benefit to the specific premises served by said connection. Said premises so benefited  
17 shall be designated by legal description and posted by the City and recorded as a part of the City's  
18 permanent records pertaining thereto. No further sanitary sewer connection charge shall be collected  
19 against said premises.

20 D. Future sanitary sewer connections to premises abutting the sanitary sewer main on which a sanitary  
21 sewer connection charge has not been paid, but which adjoins specific premises for which such charges  
22 have been charged or paid, shall be subject to the charges as hereinabove set forth.

23 E. The Sanitary Sewer Connection Charges shall be calculated to include a processing fee equivalent  
24 to the current fees charged by the County Auditor for recording the Certificate of Payment And  
25 Release served under RCW 65.08.180.

26 F. Septic System Amnesty Program.

1. For residential premises where wastewater service is available, and where the residence is not  
connected to the sanitary sewer main, a financial incentive, as set forth below, will be offered to  
encourage the owner to connect to the sanitary sewer main. Effective January 1, 2010, the financial  
incentive will be offered to owners of commercial premises under the same terms and conditions  
applicable to residential premises.

a. Where the Connection Charge-in-lieu-of Assessment is applicable, a financial incentive, consisting of  
a 50 percent reduction in the charge (incentive program) for the subject premises will be available,  
subject to the availability of funds, as described below, and in accordance with policies set forth by the  
Director. The remaining 50 percent of that charge may be eligible for financial assistance under the  
Conservation Loan Program, as set forth in TMC 12.08.640. The City will allocate up to \$500,000 per  
fiscal year to fund the incentive program. Owners of premises who qualify for the incentive program  
will be eligible for a 50 percent reduction in their connection charge on a "first-come, first-served" basis  
until the moneys allocated by the City for the incentive program in a given fiscal year are exhausted.

b. Where an LID was/is formed, the financial incentive will consist of a 50 percent reduction to that  
assessment for the subject premises in accordance with policies set forth by the Director, subject to the  
availability of funds, as stated in subsection E.a. above. In the case where all or a part of the assessment  
has been paid, the appropriate reduction or rebate will be made so that the final cost for the subject  
premises will be 50 percent of the full assessment amount.

2. The financial incentive program is not available to new premises that are constructed after wastewater  
service is available to that property. Owners not electing to take advantage of this limited program will  
be subject to the regular charges such as those specified in subsection B above.



1 **FG.** All Connection Charges-in-lieu-of-Assessment received pursuant to the provisions of this section  
2 are nonrefundable and shall be considered capital contributions to the Municipal Sewer System and  
3 deposited into the Wastewater Management Fund.

4 **GH.** All ordinances, rules, regulations, and procedures relating to the use, maintenance, and connection  
5 to sanitary sewers, as the same are now or may hereafter be adopted by the City, shall apply with equal  
6 force to each such sanitary sewer connection and any violation of any such ordinance, rule, regulation,  
7 or procedure by the owner of any premises connected to a sanitary sewer may result in the disconnecting  
8 of said sewer by the City.

9 \* \* \*

10 **12.08.360 Charges and rates for wastewater service inside the City limits.**

11 As permitted by Chapter 35.67 RCW, charges shall be made for the discharge and for the availability for  
12 discharge of all sanitary sewage into sanitary sewers. If the Director requires construction of an  
13 extension to the sanitary sewer system prior to issuance of a side sewer permit, the charge for  
14 availability for discharge shall not be made until such time as the sanitary sewer extension is completed.  
15 Unless otherwise determined by the Director, no allowances will be made for vacancies, remodeling, or  
16 other such activities unless the water service for the entire facility, building, or mobile home court (two  
17 or more units) is turned off by the Water Utility of the City. Charges shall be as follows:

18 A. Each single-family residence (including those instances where more than one family residence is  
19 served through one water meter, as hereinbefore mentioned in TMC 12.08.010) shall be charged a  
20 monthly charge computed as follows:

21 **Effective Date: ~~March~~ January 1, 20132015:**

22 (1) A fixed charge of ~~\$49.35~~21.50 plus

23 (2) A flow charge calculated at ~~\$3.644~~.05 per hundred cubic feet (ccf) of water consumption.

24 **Effective Date: January 1, 20142016:**

25 (1) A fixed charge of ~~\$20.28~~22.79 plus

26 (2) A flow charge calculated at ~~\$3.824~~.30 per hundred cubic feet (ccf) of water consumption.

The water consumption for the flow charge shall be the average monthly use as measured during the  
most recent months of December, January, February, and March. If the average consumption results in a  
fractional part of a ccf, the number used for calculating the flow charge shall be rounded to the nearest  
one-hundredth of a ccf.

B. Multiple-family residences, accessory dwelling units and mobile home courts (two or more units)  
served through one water meter shall pay a monthly charge per living unit as above, except that the  
water consumed during the winter months shall be divided by the total number of living units served by  
the account to determine the per living unit flow volume. If the average consumption per unit results in a  
fraction, the number used for calculating the flow charge shall be billed to the nearest one-hundredth of  
a ccf.

It shall be the duty of every person in possession, charge, or control of the entire premises consisting of  
two or more units, served by the sanitary sewer system, or to which such service is available, to be  
accountable for payment of each unit.

Where units in multiple-unit residences are separately metered; each unit shall be charged the  
appropriate single-family residence rate as set forth in subsection A of this section.

C. In all cases other than residential charges hereinabove set forth, the sewer charge shall be computed  
and paid as follows:

1. Metered Water Supply. When charges and fees are based upon the water usage, such charges and fees  
shall be applied against the total amount of water used from all sources unless, in the opinion of the  
Director, significant portions of water received are not discharged to a sanitary sewer. The total amount



of water used from public and private sources will be determined by means of public meters or private meters, installed and maintained at the expense of the user in accordance with ~~the~~ Environmental Services [Submeter Installation Policies](#) and [Testing Guidelines](#). Such public or private meters shall measure flow in cubic feet (cf). Where more than one commercial/industrial facility is served by one water meter, the user group shall be determined by the activities of the largest water consumption user.

2. Metered Wastewater Volume and Metered Diversions. When charges and fees are based upon water usage and where, in the opinion of the Director, a significant portion of the water received from any metered source does not flow into the sanitary sewer because of the principal activity of the user or removal by other means, the charges and fees will be applied against the volume of water discharged from such premises into the sanitary sewer. Any user seeking a reduction in sewer charges and fees based on a diversion of metered water from the sanitary sewer system shall provide the Director written proof of such diversion for the Director's approval. To establish reduced sewer charges and fees based on such diversion, the user shall, unless clearly demonstrated as impractical, install a submeter of a type and at a location approved by the Director and at the user's expense. A credit adjustment for sanitary sewer overcharges may be granted, upon written application by the user, but only for the three-month period immediately preceding the submeter installation.

Such meters shall measure flow in cubic feet (cf) and shall be maintained at the expense of the user and be tested for accuracy at the expense of the user in accordance with ~~the~~ Environmental Services [Submeter Installation Policies](#) and [Testing Guidelines](#). Within 30 days of notification by the Director that meter repair or testing is required, the user shall provide written confirmation that such repair or testing has been accomplished. Failure to provide such confirmation may result in sanitary sewer charges being based upon the metered water source.

3. Users Installing Irrigation Systems. All users installing irrigation systems shall be required to meter the water usage of the irrigation system by installing, at user's expense, either a metered water supply dedicated solely to the irrigation system or a submeter, which the user shall maintain, to calculate the appropriate reduction of sewer charges.

#### 4. Estimated Wastewater Volume.

a. Users Without Source Meters. In cases where, in the opinion of the Director, it is unnecessary or impractical to install meters, the charges and fees may be based upon an estimate of the volume to be discharged, prepared by the Director. A rational method will be used to estimate the quantity of wastewater discharged and may consider such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services, or such other determinations of water use necessary to estimate the wastewater volume discharged.

b. Users With Source Meters. In cases where, in the opinion of the Director, users divert a significant portion of their flow from a public sewer, the charges and fees may be based upon an estimate of the flow and volume to be discharged, prepared by the user and approved by the Director. The estimate must include the method and calculations used to determine the wastewater volume and may consider such factors as the number of fixtures, seating capacity, population equivalents, annual production of goods and services, or such other determinations of water use necessary to estimate the wastewater volume discharged.

c. Where the Director determines that the cost to provide sanitary sewer service to a customer or a group of customers is abnormally higher than the cost to provide regular sanitary sewer service to City customers, due to unusual circumstances, the Director may establish a surcharge based upon that incremental higher cost. The Director will notify affected customers prior to implementing the surcharge.

d. Residential customers who qualify as low-income senior or low-income disabled under TMC 12.06.165 B shall be eligible for a 30 percent reduction from the regular sanitary sewer charges.



The determination of low income senior and low income disabled status shall be made as set forth in TMC 12.06.165 B. Individuals must submit an application documenting such determination for review and acceptance by the Director to qualify for this reduction. The effective date for the rate reduction shall be the first day of the billing period in which the Director's acceptance is granted.

\* \* \*

### **12.08.365 Charges for special approved discharges.**

#### **A. Discharge to Sanitary Sewer System.**

1. The Director may, at his or her discretion, approve discharges to the sanitary sewer system generally for a short-term duration as needed. Application for discharge approval must be accompanied by payment of any fixed administration/application fee(s) and be submitted at least 30 days prior to the requested discharge date.

2. Unless otherwise determined by the Director, the charge for short-term discharges to the sanitary sewer system shall be based on the quantity and strength of the wastewater discharged, according to the rate specified in TMC 12.08.390 of this chapter, in addition to the following annual fixed administration fee:

<b>Effective Date: February 5, 1995:</b>	<b>Fixed Fee</b>
Under 5,000 gallons	\$200.00
Between 5,000 and 20,000 gallons	\$400.00
Over 20,000 gallons	\$650.00

3. As determined by the Director, representative samples may be required to be taken for suspended solids (SS) and biochemical oxygen demand (BOD). Sampling may also be required for total petroleum hydrocarbons (TPH) and any other pollutants suspected to be present in the wastewater. Additional samples may be required at the Director's discretion.

#### **B. Discharge to Storm Drainage System.**

1. The Director may, at his or her discretion, approve discharges to the storm drainage system under TMC 12.08.080, as necessary. Application for discharge approval must be accompanied by payment of any fixed administrative/application fee(s) and be submitted at least 30 days prior to the requested discharge date.

2. The Director, or his or her representative, may require that samples be taken of the proposed discharge to insure compliance with federal, state, and local water quality requirements. Samples will be analyzed based on known and/or suspected pollutants at the site or in the proposed discharge. Sampling and analysis must be completed and reviewed by City staff prior to any discharge to the City's storm drainage system. The Director, or his or her representative, may require additional sampling throughout the duration of the discharge to insure compliance with the above-referenced requirements.

3. Unless otherwise determined by the Director, the charge for discharges of non stormwater to the surface water system under TMC 12.08.080 hereof shall be as set forth herein. This charge will consist of three parts:

#### **Effective Date: January 1, 1997:**

- a. An application fee of \$500 per discharge location payable at the time of application of discharge; and
- b. An annual administration fee of \$300 payable no later than January 30 of the year following initiation of discharge and no later than January 30 of each year thereafter if the discharge continues to occur; and
- c. A quantity fee:



Effective Date: ~~March~~January 1, 2013~~2015~~:

~~\$0.0023781~~\$0.0026594 per gallon discharged.

Effective Date: January 1, 2014~~2016~~:

~~\$0.0025208~~ \$0.0028057 per gallon discharged.

Payments shall be made in a manner and at the frequency determined by the Director.

\* \* \*

**12.08.390 Basis for determination of commercial/industrial charges for use of wastewater system, by monitored users.**

~~Charges~~Monitored commercial and/or industrial users shall pay the appropriate charges and fees based upon the wastewater constituents and characteristics. Except for test rate classifications established by the Director pursuant to TMC 12.08.380, these charges and fees for use of the wastewater system shall be ~~based upon a minimum basic rate for each premises not discharging industrial or commercial process wastewaters,~~ computed on the basis of wastewater from a domestic premises with the following characteristics:

BOD - 200 milligrams per liter

Suspended Solids - 225 milligrams per liter

~~Charges and fees established for the users listed in Section 12.08.400, Table II, are based on the measured or estimated constituent strengths and characteristics of the sanitary sewage and industrial wastewater discharge of that user group which may include, but not be limited to, BOD, suspended solids, and flow.~~

Composite rates per 100 cubic feet (ccf) for existing and new users are/will be developed using the following constituent concentration rates.

~~Effective Date: March 1, 2013:~~

<u>Flow</u>	<u>\$3.0853</u>
<u>Biochemical oxygen demand (BOD)</u>	<u>\$0.00586375 per mg/l</u>
<u>Suspended solids</u>	<u>\$0.00429156 per mg/l</u>

~~Effective Date: January 1, 2014:~~

<u>Flow</u>	<u>\$3.2334</u>
<u>Biochemical oxygen demand (BOD)</u>	<u>\$0.00614521 per mg/l</u>
<u>Suspended solids</u>	<u>\$0.00449756 per mg/l</u>

Effective Date: January 1, 2015:

<u>Flow</u>	<u>\$3.44</u>
<u>Biochemical oxygen demand (BOD)</u>	<u>\$.006552 per mg/l</u>
<u>Suspended solids</u>	<u>\$.0048672 per mg/l</u>
<u>Monthly fixed charge</u>	<u>\$10.22 per calendar month</u>



**Effective Date: January 1, 2016:**

<u>Flow</u>	<u>\$3.65</u>
<u>Biochemical oxygen demand(BOD)</u>	<u>\$.0069888 per mg/1</u>
<u>Suspended solids</u>	<u>\$.0051792 per mg/1</u>
<u>Monthly fixed charge</u>	<u>\$10.84 per calendar month</u>

\* \* \*

**12.08.400 Charge for Commercial/Industrial Wastewater User Groups.**

The fixed charge for each commercial or industrial user of wastewater system shall be as follows:

**Effective Date: March 1, 2013:**

\$9.19 per calendar month

**Effective Date: January 1, 2014:**

\$9.64 per calendar month

**Effective Date: January 1, 2015:**

\$10.22 per calendar month

**Effective Date: January 1, 2016:**

\$10.84 per calendar month

~~In addition, each monitored commercial and/or industrial user shall pay the appropriate charge based upon the monitoring result. Except for test rate classifications established by the Director pursuant to TMC 12.08.380, In addition~~

each unmonitored commercial or industrial user placed in a user group shall pay the appropriate flow rate per 100 cubic (ccf) as identified in Table II. All restaurants are initially in the Category 8 (Restaurant II) group. Any restaurant customer may petition the Director to be placed in the Category 6 (Restaurant I) group. The customer must provide the Director with documentation that the restaurant has an approved grease retention device to current Uniform Plumbing Code as adopted in Chapter 2.06 of the Tacoma Municipal Code, and as amended thereafter, and Department Policies and Guidelines, and that the customer has an adequate ongoing maintenance program in place for that device. If the Director concurs, the Director will place that restaurant in the Category 6 (Restaurant I) group as long as those conditions are continually met. In the event that those conditions are not continually met, the Director will place the restaurant back into the Category 8(Restaurant II) group until the conditions of Department Policies and Guidelines are again met.

If, as a result of a rate increase due to an ordinance change, any specific account of a direct commercial and/or industrial customer would receive an increase in wastewater charges that meet the following criteria, that customer will be eligible to receive a one-time rate mitigation credit:

A. The percentage increase for that specific account is more than twice the City-wide average increase; and

B. The percentage increase for that specific account is more than 10 percent; and

C. The dollar increase as a result of the rate increase for that specific account is more than \$1,000 for the 12 months following implementation of that rate increase.



The credit shall apply to the first 12 months of implementation of the ordinance change and be equal to 50 percent of the increased charges that exceed the first \$1,000 increase for that 12-month period. The credit does not apply to any subsequent year's charges due to the same individual City-wide rate increase. The manner and method of applying the credit shall be determined by the Director.

**Table II Rates for Commercial and/or Industrial User Groups**  
Effective Date: **January 1, 2015**

<u>Billing Category</u>	<u>Constituent Strength limits</u>	<u>Rate (\$/ccf)</u>
<u>Category 8</u>	<u>(BOD 901 + mg/l) (SS 600 mg/l)</u>	<u>\$12.35</u>
<u>Category 7</u>	<u>(BOD 701-900 mg/l) (SS 700 mg/l)</u>	<u>\$11.94</u>
<u>Category 6</u>	<u>(BOD 701-900 mg/l) (SS 400 mg/l)</u>	<u>\$10.51</u>
<u>Category 5</u>	<u>(BOD 501-700 mg/l) (SS 400 mg/l)</u>	<u>\$8.85</u>
<u>Category 4</u>	<u>(BOD 301-500 mg/l) (SS 450 mg/l)</u>	<u>\$8.85</u>
<u>Category 3</u>	<u>(BOD 301-500 mg/l) (SS 0-400)</u>	<u>\$7.20</u>
<u>Category 2</u>	<u>(BOD 200-300 mg/l) (SS 150-400 mg/l)</u>	<u>\$5.72</u>
<u>Category 1</u>	<u>(BOD 0-250 mg/l) (SS 0-150 mg/l)</u>	<u>\$5.40</u>

**Table II Rates for Commercial and/or Industrial User Groups**  
Effective Date: **March January 1, 20132016**

<u>NAICS No. Billing Category</u>	<u>Group Category Constituent Strength limits</u>	<u>Monthly Rate (\$/ccf)</u>
<u>Category 8</u>	<u>Category 8 (BOD 901 + mg/l) (SS 600 mg/l)</u>	<u>\$11.1413.10</u>
722110	Restaurants (Cat II)	
722410	Taverns—Food Preparation (Cat II)	
713950	Bowling Alleys—With Food Preparation (Cat II)	
<u>Category 7</u>	<u>Category 7 (BOD 701-900 mg/l) (SS 700 mg/l)</u>	<u>\$10.7412.66</u>
445110	Grocery Stores—Full Service	
812210	Funeral Services—With Embalming	
<u>Category 6</u>	<u>Category 6 (BOD 701-900 mg/l) (SS 400 mg/l)</u>	<u>\$9.4511.15</u>
311811	Bakery Stores On Site Baking	
722110	Restaurants (Cat I)	
722410	Taverns—Food Preparation (Cat I)	
713950	Bowling Alleys—With Restaurant (Cat I)	
<u>Category 5</u>	<u>Category 5 (BOD 501-700 mg/l) (SS 400 mg/l)</u>	<u>\$7.969.39</u>
812320	Commercial Laundries	
311812	Bakeries (Manufacturers)	
<u>Category 4</u>	<u>Category 4 (BOD 301-500 mg/l) (SS 450 mg/l)</u>	<u>\$7.959.39</u>
721110	Hotels and Motels—With Restaurant	
922140	Correctional Institutions	
<u>Category 3</u>	<u>Category 3 (BOD 301-500 mg/l) (SS 0-400 mg/l)</u>	<u>\$6.477.64</u>
311711	Canned and Cured Fish	
311712	Fresh or Frozen Fish	
445110	Grocery Stores—Others	



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713950	Bowling Alleys—No Restaurant	
<u>Category 2</u>	<u>Category 2</u> (BOD 200-300 mg/l) (SS 150-400 mg/l)	<u>\$5,146.07</u>
721110	Hotels and Motels—No Restaurant	
622110	Hospitals	
441110	Auto Dealers	
811121	Top and Body Repair Shops	
811121	Repair and Paint Shops	
811111	Auto Repair Shops	
324122	Asphalt Felts and Coating	
	Domestic Strength	
	Category 1 (BOD 0-250) (SS 0-150)	\$4.85
623110	Nursing Homes	
812921	Photo Finish Laboratories	
722410	Taverns—No Food Preparation	
323119	Commercial Printers	
323116	Business Form Printers	
812310	Laundromats	
541921	Photo Studios	
811192	Car Washes	
327410	Lime Manufacturers	
<b>Table II Rates for Commercial and/or Industrial User Groups</b> <b>Effective Date: January 1, 2014</b>		
<b>NAICS No.</b>	<b>Group Category</b>	<b>Monthly Rate (\$/ccf)</b>
<u>Category 1</u>	<u>Category 8</u> (BOD <del>901</del> +0-250 mg/l) (SS <del>6000</del> -150 mg/l)	<u>\$11,655.73</u>



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722110	Restaurants (Cat II)	
722410	Taverns—Food Preparation (Cat II)	
713950	Bowling Alleys—With Food Preparation (Cat II)	
	<del>Category 7 (BOD 701-900 mg/l) (SS 700 mg/l)</del>	\$11.26
445110	Grocery Stores—Full Service	
812210	Funeral Services—With Embalming	
	<del>Category 6 (BOD 701-900 mg/l) (SS 400 mg/l)</del>	\$9.91
311811	Bakery Stores—On Site Baking	
722110	Restaurants (Cat I)	
722410	Taverns—Food Preparation (Cat I)	
713950	Bowling Alleys—With Restaurant (Cat I)	
	<del>Category 5 (BOD 501-700 mg/l) (SS 400 mg/l)</del>	\$8.34
812320	Commercial Laundries	
311812	Bakeries (Manufacturers)	
	<del>Category 4 (BOD 301-500 mg/l) (SS 450 mg/l)</del>	\$8.34
721110	Hotels and Motels—With Restaurant	
922140	Correctional Institutions	
	<del>Category 3 (BOD 301-500 mg/l) (SS 0-400 mg/l)</del>	\$6.79
311711	Canned and Cured Fish	
311712	Fresh or Frozen Fish	
445110	Grocery Stores—Others	
713950	Bowling Alleys—No Restaurant	
	<del>Category 2 (BOD 200-300 mg/l) (SS 150-400 mg/l)</del>	\$5.39
721110	Hotels and Motels—No Restaurant	
622110	Hospitals	
441110	Auto Dealers	
811121	Top and Body Repair Shops	
811121	Repair and Paint Shops	
811111	Auto Repair Shops	
324122	Asphalt Felts and Coating	
	Domestic Strength	
	<del>Category 1 (BOD 0-250) (SS 0-150)</del>	\$5.09
623110	Nursing Homes	
812921	Photo Finish Laboratories	
722410	Taverns—No Food Preparation	
323119	Commercial Printers	
323116	Business Form Printers	
812310	Laundromats	
541921	Photo Studios	
811192	Car Washes	
327410	Lime Manufacturers	



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**12.08.460 Minimum charge.**

Every premises to which wastewater service is furnished, and every premises to which there is availability for such service shall be charged for such service in accordance with the rates and charges herein placed in effect; provided, however, that in no event shall any such charge be less than as provided below:

Effective Date: March 1, 2013:

\$19.35 per calendar month

Effective Date: January 1, 2014:

\$20.28 per calendar month

Effective Date: January 1, 2015:

\$21.50 per calendar month

Effective Date: January 1, 2016:

\$22.79 per calendar month

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**12.08.500 Surface water rates and charges.**

A. Surface water charges shall be based on the square footage area of each parcel of real property and the land use designation of such parcel. The Director shall determine what rate shall apply to each specific parcel in accordance with this section, and the charge resulting from that determination and application of the other factors herein set forth. Upon request, and based on information provided by the parcel owner, the Director may, in his/her sole discretion determine that the City's use of a surface water or storm drainage or collection system on or at a specific parcel benefits the City's storm drain system and is grounds for reducing surface water drainage charges; except that: (1) collection from single premises and concentrating the flow; (2) collection of surface water which is piped through or underneath the surface of a property; or (3) water which flows via a natural drainage course through a property, shall not constitute such grounds.

1. Wetlands maintained and dedicated by deed restriction for mitigation purposes may be eligible for a reduction of a surface water drainage charge under this section.

2. Open space parcels with forested land cover, as that phrase is defined in TMC 12.08.010, shall be charged a monthly surface water rate of ~~\$5.686.37~~ per parcel in ~~2013~~2015, and ~~\$6.0373~~ per parcel in ~~2014~~2016.

3. Parcels contiguous with waterfront/direct discharge parcels which are under common ownership and discharge 100 percent of surface water flow to the contiguous waterfront/direct discharge parcel shall be charged the waterfront/direct discharge rate.

B. For purposes of computing surface water rates under this section, the land use designation shall be the principal activity on the parcel as listed in the North American Industry Classification System (NAICS, 2002), prepared by the Statistical Policy Division of the Federal Office of Management and Budget and adopted hereby for this purpose. The land use category for each parcel will place it in one of the five following specific categories, hereinafter referred to as "Basic Categories of Development," as to each of which the rate per month per 500-square-foot increment of parcel area shall apply:



**Effective Date: March 1, 2013:**

Basic Category of Development	Rate per Month
<b>Waterfront/Direct Discharge Parcels:</b>	
Undeveloped—First Acre or Less	\$0.1119 per 500 ft <sup>2</sup>
Undeveloped—Area in Excess of One Acre	\$0.0502 per 500 ft <sup>2</sup>
Light	\$0.3357 per 500 ft <sup>2</sup>
Moderate	\$0.4674 per 500 ft <sup>2</sup>
Heavy	\$0.6713 per 500 ft <sup>2</sup>
Very Heavy	\$0.8950 per 500 ft <sup>2</sup>
<b>All Other Parcels:</b>	
Undeveloped—First Acre or Less	\$0.2299 per 500 ft <sup>2</sup>
Undeveloped—Area in Excess of One Acre	\$0.0502 per 500 ft <sup>2</sup>
Light	\$0.6897 per 500 ft <sup>2</sup>
Moderate	\$0.9395 per 500 ft <sup>2</sup>
Heavy	\$1.3793 per 500 ft <sup>2</sup>
Very Heavy	\$1.8391 per 500 ft <sup>2</sup>

**Effective Date: January 1, 2014:**

Basic Category of Development	Rate per Month
<b>Waterfront/Direct Discharge Parcels:</b>	
Undeveloped—First Acre or Less	\$0.1187 per 500 ft <sup>2</sup>
Undeveloped—Area in Excess of One Acre	\$0.0533 per 500 ft <sup>2</sup>
Light	\$0.3559 per 500 ft <sup>2</sup>
Moderate	\$0.4955 per 500 ft <sup>2</sup>
Heavy	\$0.7116 per 500 ft <sup>2</sup>
Very Heavy	\$0.9487 per 500 ft <sup>2</sup>
<b>All Other Parcels:</b>	
Undeveloped—First Acre or Less	\$0.2437 per 500 ft <sup>2</sup>
Undeveloped—Area in Excess of One Acre	\$0.0533 per 500 ft <sup>2</sup>
Light	\$0.7311 per 500 ft <sup>2</sup>
Moderate	\$0.9959 per 500 ft <sup>2</sup>
Heavy	\$1.4621 per 500 ft <sup>2</sup>
Very Heavy	\$1.9495 per 500 ft <sup>2</sup>



**Effective Date: January 1, 2015:**

<b><u>Basic Category of Development</u></b>	<b><u>Rate per Month</u></b>
<b><u>Waterfront/Direct Discharge Parcels:</u></b>	
<u>Undeveloped - First Acre or Less</u>	<u>\$0.1253 per 500 ft<sup>2</sup></u>
<u>Undeveloped - Area in Excess of One Acre</u>	<u>\$0.0563 per 500 ft<sup>2</sup></u>
<u>Light</u>	<u>\$0.3755 per 500 ft<sup>2</sup></u>
<u>Moderate</u>	<u>\$0.5228 per 500 ft<sup>2</sup></u>
<u>Heavy</u>	<u>\$0.7508 per 500 ft<sup>2</sup></u>
<u>Very Heavy</u>	<u>\$1.0009 per 500 ft<sup>2</sup></u>
<b><u>All Other Parcels:</u></b>	
<u>Undeveloped – First Acre or Less</u>	<u>\$0.2572 per 500 ft<sup>2</sup></u>
<u>Undeveloped – Area in Excess of One Acre</u>	<u>\$0.0563 per 500 ft<sup>2</sup></u>
<u>Light</u>	<u>\$0.7714 per 500 ft<sup>2</sup></u>
<u>Moderate</u>	<u>\$1.0507 per 500 ft<sup>2</sup></u>
<u>Heavy</u>	<u>\$1.5426 per 500 ft<sup>2</sup></u>
<u>Very Heavy</u>	<u>\$2.0568 per 500 ft<sup>2</sup></u>

**Effective Date: January 1, 2016:**

<b><u>Basic Category of Development</u></b>	<b><u>Rate per Month</u></b>
<b><u>Waterfront/Direct Discharge Parcels:</u></b>	
<u>Undeveloped - First Acre or Less</u>	<u>\$0.1322 per 500 ft<sup>2</sup></u>
<u>Undeveloped - Area in Excess of One Acre</u>	<u>\$0.0594 per 500 ft<sup>2</sup></u>
<u>Light</u>	<u>\$0.3962 per 500 ft<sup>2</sup></u>
<u>Moderate</u>	<u>\$0.5516 per 500 ft<sup>2</sup></u>
<u>Heavy</u>	<u>\$0.7921 per 500 ft<sup>2</sup></u>
<u>Very Heavy</u>	<u>\$1.0560 per 500 ft<sup>2</sup></u>
<b><u>All Other Parcels:</u></b>	
<u>Undeveloped – First Acre or Less</u>	<u>\$0.2714 per 500 ft<sup>2</sup></u>
<u>Undeveloped – Area in Excess of One Acre</u>	<u>\$0.0594 per 500 ft<sup>2</sup></u>
<u>Light</u>	<u>\$0.8139 per 500 ft<sup>2</sup></u>
<u>Moderate</u>	<u>\$1.1085 per 500 ft<sup>2</sup></u>
<u>Heavy</u>	<u>\$1.6275 per 500 ft<sup>2</sup></u>
<u>Very Heavy</u>	<u>\$2.1700 per 500 ft<sup>2</sup></u>

C. Waterfront/direct discharge parcels are those parcels directly abutting Puget Sound with at least 50 feet of frontage, or parcels discharging, by private means, all or substantially all of their surface water directly into the marine waters of Puget Sound. For purposes of computing surface water charges, the area of each parcel shall be rounded to the nearest 500-square foot increment (the area of premises less than 250-square feet shall be set at 500 square feet) and the appropriate rate from Table III shall be multiplied by the number of such increments in the parcel. In addition to the area charge listed above, the City shall charge a monthly fixed fee of:

**Effective March 1, 2013: — \$5.68**

**Effective January 1, 2014: ————— \$6.03**



**Effective January 1, 2015: \$6.37**

**Effective January 1, 2016: \$6.73**

D. Single-family residential parcels will be assigned the “Moderate” Basic Category of Development for determination of monthly charges, except that all single-family residential parcels of 15,000 square feet or less inspected by the Environmental Services Department and placed in a different Basic Category of Development shall pay the rate assigned to such Basic Category of Development. Single-family residential parcels of 15,000 square feet or more shall pay at the moderate rate for the first 15,000 square feet and the remainder at the undeveloped rate, unless the parcel is inspected by the Environmental Services Department and placed in a different Basic Category of Development, in which case the first 15,000 square feet shall pay the rate assigned to such Basic Category of Development and the remainder at the undeveloped rate. The fixed charge will be computed only once per parcel per month, regardless of area.

E. Residential customers who qualify as low-income senior or low-income disabled under TMC 12.06.165 B shall be eligible for a 30 percent reduction from the regular storm drainage charges. The determination of low income senior and low income disabled status shall be made as set forth in TMC 12.06.165 B. Individuals must submit an application documenting such determination for review and acceptance by the Director to qualify for this reduction. The effective date for the rate reduction shall be the first day of the billing period in which the Director’s acceptance is granted.

\* \* \*

**12.08.530 Exclusions of certain properties from storm and surface water sewerage charges.**

Storm and surface water sewerage charges shall not be levied directly to [parcels owned and maintained by the Environmental Services Surface Water Utility and](#) any City street, road, alley or right-of-way the storm and surface water drainage function of which has been transferred to and made a part of the Municipal Sewer System by Ordinance No. 21638 passed April 3, 1979; it being expressly found that all such City streets, roads, alleys and rights-of-way provide storm and surface water sewerage to the City by collecting and transporting storm and surface water from multiple individual properties to Storm Sewers of a value equal to the reasonable charge therefor that would otherwise be charged by the City.

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**12.08.560 Low impact development stormwater and surface water systems.**

A. The rate of computation of stormwater and surface water charges applicable to premises that have on them an approved low impact development stormwater and surface water system that achieves runoff characteristics equivalent to pre-development, forested conditions, may be reduced one Basic Category of Development lower in rate of such computation than that in which the premises would otherwise be placed, as determined by the Director in his or her discretion, after taking into account the effectiveness of the system. In order to qualify under this section, the owner of the premises must have obtained the proper permits and constructed the system according to plans approved by the Director, and the system must exceed the minimum requirements that would be required by applying the City’s current Stormwater Management Manual. The owner shall be responsible for all costs of the proper operation and maintenance of such system and shall submit annual maintenance reports to the Director. The Director reserves the right to inspect all stormwater and surface water systems approved or sought to be approved under this section to ascertain that they function properly. If at any time such system fails to retain stormwater or surface water in a volume and for a period of time to justify the reduction of stormwater and surface water sewerage charges, as determined by the Director by appropriate engineering standards, or if the owner fails to submit the annual maintenance reports, the Director may increase the Basic Category of Development to one which reflects the effectiveness, if any, of such system, or the Director may revoke approval of the system irrespective of prior approval by the Director of either the system or plans therefor.



B. Notwithstanding any rate reduction authorized, permitted or provided for in this section, no rate computation shall be reduced below that applicable to undeveloped land.

~~C. The Director may establish a pilot program to offer and evaluate the use of rebate payments of up to \$2,000 per parcel to encourage residential customers to install rain gardens on their property. As part of the pilot program, the Director may also establish a one category rate reduction to encourage customers to assist the City by maintaining City owned low impact development rain gardens and bioretention facilities. The pilot program established under this section will be in effect through December 31, 2014, and shall be funded by the Surface Water Utility, with rebate payments and rate reductions administered according to policies and procedures approved by the Director.~~

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#### **12.08.600 Billing periods, payments, and collections.**

A. All bills for wastewater and surface water service charges as set forth herein shall be rendered monthly or bimonthly as shall be determined by the City Manager. ~~The utility bill and~~ shall become due and payable at the office of the City Treasurer or such other places as approved by the City Treasurer ~~within 15 days from the date an invoice is issued per TMC 12.01.030~~ on or before the 15th day after the statement has been mailed and shall become delinquent thereafter.

B. ~~Any invoice that~~ For any service charge which becomes delinquent, the party shall be subject to charged a late payment fee as set forth in Chapter 12.01 TMC. ~~TMC 12.01.030~~. Any service charge which becomes delinquent, together with interest, also shall immediately become a lien against the premises served under RCW 35.67.200. Such lien may be foreclosed by the City in the manner provided by Chapter 35.67 RCW. In the event that the City files or releases a lien with the County Auditor, a processing fee will be added to the delinquent amounts owed equivalent to the current fees charged by the County Auditor for filing or releasing a lien. The processing fee will be allocated to Wastewater Management or Surface Water Management Funds, as appropriate, and, for City tax purposes, recorded as revenue. In addition to such foreclosure, a customer whose said Wastewater Management or Surface Water Management account is delinquent shall also be subject to having City water utility services terminated for the subject premises (or other premises owned or rented by the customer), which termination shall continue until satisfactory arrangements are made to satisfy the delinquency.

C. Rates due under this chapter shall be computed by carrying the computation to the third decimal place and rounding to a whole cent using a method that rounds up to the next cent whenever the third decimal place is greater than four.

\* \* \*



## ORDINANCE NO. 28262

1 AN ORDINANCE relating to solid waste management; amending Chapter 12.09  
2 of the Tacoma Municipal Code by adjusting rates and charges for  
3 services provided by the Solid Waste Utility for years 2015 and 2016,  
4 authorizing the Environmental Services Department Director to grant  
certain customer requests for changes in solid waste services, and  
authorizing Call-2-Haul services for commercial customers.

5 WHEREAS the Environmental Services Department, Solid Waste  
6 Management Division, working with the Environmental Services Commission  
7 ("Commission"), has updated its multi-year rate plan and developed proposed  
8 rates for the 2015 2016 biennium for Solid Waste Management ("SWM")  
9 customers, and

10 WHEREAS, consistent with the recommendation from the Commission, a  
11 5 percent per year increase is proposed for 2015 and 2016, and

12 WHEREAS the low-income senior/low-income disabled discount has been  
13 maintained at 30 percent, and

14 WHEREAS a new code section, 12.09.092, will authorize the Environmental  
15 Services Department Director to designate certain contiguous properties to receive  
16 either residential or commercial solid waste service to align the services with the  
17 environmental goals of the City or to increase efficiency or safety in the provision of  
18 the services, and

19 WHEREAS permitting commercial customers to request Call-2-Haul services  
20 is consistent with the City's solid waste goals; Now, Therefore,



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BE IT ORDAINED BY THE CITY OF TACOMA:

That Chapter 12.09 of the Tacoma Municipal Code is hereby amended as set forth in the attached Exhibit "A."

Passed \_\_\_\_\_

Mayor \_\_\_\_\_

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form

\_\_\_\_\_  
Deputy City Attorney



## EXHIBIT "A"

### Chapter 12.09 SOLID WASTE, RECYCLING, AND HAZARDOUS WASTE

#### Sections:

- 12.09.010 Purpose.
- 12.09.020 Authority.
- 12.09.030 Definitions.
- 12.09.040 General requirements.
- 12.09.050 Transportation.
- 12.09.060 Requirements for containers.
- 12.09.070 Special permits.
- 12.09.080 Assistance to elderly and/or disabled individuals.
- 12.09.090 Rate reduction for low-income senior and low-income disabled individuals.
- [12.09.092 Authority to allow residential or commercial service.](#)
- 12.09.095 Disposal rate reduction for qualifying nonprofit materials salvage/recycling corporation(s).
- 12.09.100 Collection.
- 12.09.105 Pilot Projects.
- 12.09.110 Residential automated and semi-automated services.
- 12.09.120 Commercial services.
- 12.09.130 Use of [Recovery and Transfer Center Facility](#) (disposal site) – General.
- 12.09.140 Disposal rates.
- 12.09.150 *Repealed.*
- 12.09.160 Billing periods, payments and collections.
- 12.09.170 Disposal area automated scale system cards.
- 12.09.180 State tax.
- 12.09.190 Prohibited material.
- 12.09.200 Disposal of asbestos-containing material.
- 12.09.210 Recycling – General.
- 12.09.220 Enforcement.
- 12.09.230 Violations – Penalties.
- 12.09.240 Notice of violations – Civil penalties.
- [12.09.250 Appeals of special permits.](#)

#### **12.09.010 Purpose.**

The purpose of this chapter is to set ~~forth functional standards within~~ the [requirements City of Tacoma](#) for the [collection, management, and](#) proper handling of all solid waste, including recyclable materials, originating from residential, commercial, agricultural, and industrial operations and other sources [within the City of Tacoma](#); in order to prevent land, air, and water pollution, fly and rodent infestation, fire hazards, [and](#) damage to recreational values and to the environment; to conserve resources; and to maintain aesthetic values.



#### 12.09.020 Authority.

The collection, ~~management~~, and disposal of solid waste within the City of Tacoma is compulsory and universal. The City of Tacoma asserts exclusive and universal control over the business of all solid waste collection, management, and disposal within the Tacoma city limits. It shall be a violation of this chapter for any person other than the City of Tacoma, acting through its Solid Waste Management Division, to engage in the business of collection~~ing~~, remov~~ing~~, and dispos~~ing~~ of solid waste within the City of Tacoma city limits, or for any person other than Solid Waste Management, its agents or employees, to engage in the activities required by this chapter to be accomplished by Solid Waste Management, except as provided in TMC 12.09.070, "Special permits." There are hereby levied and imposed within the City of Tacoma mandatory service charges, at the rates and charges set forth in this chapter hereinafter specified, for the collection, management, and disposal of all such solid waste or for the availability of such services.

\* \* \*

#### 12.09.040 General requirements.

A. It shall be the customer's responsibility to ensure that solid waste containers are placed in the appropriate location designated by Solid Waste Management prior to the arrival of the collection vehicle. Collectors shall not be required to negotiate steep ramps, stairs, or hazards, or to remove containers from wells or storage bins in the performance of their duties.

B. Solid Waste Management shall not be responsible for solid waste collection if there is a violation of any part of this section or circumstances are beyond the control of the Solid Waste Management. Circumstances or violations include, but are not limited to, container overload, improperly loaded container, blocked access, container inaccessibility, or dangerous situations.

C. Automated collection containers shall be placed in a Solid Waste Management-designated location on the scheduled collection day. Such location shall be easily accessible to the solid waste collection vehicle. All containers must face in the proper direction with the lids completely closed, and unobstructed to the collection vehicle. In areas where the Solid Waste Management-designated location for an automated collection container is at street-side or along an alley, it shall be the responsibility of each customer to remove the container from streetside or alley on the same day as collection.

D. Any waste exceeding the rated capacity of the container shall be subject to an extra charge at applicable rates established herein. Overloading containers in a manner which is likely to: (i) cause damage to the collection vehicle or container; (ii) create a litter condition; or (iii) impede collection is prohibited.

E. Solid Waste Management may collect extra solid waste on or around automated containers. If additional solid waste is generated on the premises that cannot be accommodated by regularly scheduled service in the automated containers provided, the customer shall request and use additional automated containers or be subject to additional charges as set forth in this chapter. "Extra refuse" is any material placed for collection in addition to the regular collection service, which is within acceptable weight limits, is able to



be reasonably handled by one person, and is placed within a five-foot radius of the container.

F. Automated collection within the City is mandatory in those areas designated by Solid Waste Management.

G. Any manure, offal, or other noxious material that, in the discretion of Solid Waste Management, has not been securely wrapped shall not be collected.

H. It shall be a violation hereof to place or deposit any solid waste whatsoever in or around a solid waste container owned or provided for the use of another customer without that customer's approval.

I. Solid Waste Management shall reserve the right to inspect any or all solid waste prior to and/or during disposal for compliance with local, state, or federal laws or regulations.

J. No person shall construct or allow the construction of a public or private well, as defined in WAC 173-160, between Center Street, Tyler Street, and South 56th Street and Leach Creek, except as allowed by WAC 173-160 and RCW 18.104.

K. Solid waste placed or deposited in the manner other than described in Section C or E above shall be considered improper disposal of solid waste. In such instances of improper disposal of solid waste, Solid Waste Management shall notify the property owner and/or current utility customer and request them to correct the condition within 48 hours by legally disposing of such waste. If the condition is not corrected after 48 hours, Solid Waste Management shall dispose of the solid waste and charge the property owner and/or current utility customer at the rate of \$100.00 per hour for such disposal, with a minimum ~~charge~~ fee of \$100.00.

L. It shall be the property owner's responsibility to assure that rights-of-way are unobstructed by overgrown vegetation that hinders the operation of the collection vehicle. Solid Waste Management shall notify the property owner, in writing, to remove the obstruction within 14 days. If notification or arrangements have not been made, Solid Waste Management shall remove any obstruction and charge the property owner for the actual cost of the removal. This cost will be billed to the property owner.

M. Solid Waste Management, or the City's contractor, may enter property to collect, remove, and dispose of solid waste and assess costs for such collection, removal, and disposal in accordance with the nuisance abatement process set forth in TMC 8.30.110.B. Any unpaid collection, removal, and disposal costs incurred by Solid Waste Management, under this subsection, may be collected in any lawful manner authorized for the collection of utility bills.

\* \* \*

#### **12.09.060 Requirements for containers.**

A. Residential customers that receive solid waste collection services may request up to two 90-gallon yard waste containers from Solid Waste Management at no charge. Residential customers may request additional 90-gallon yard waste containers at an additional monthly rate as set forth in the Residential Barrels Rate Tables.



1 B. The ~~20-~~30-, 45-, 60-, 90-, and 300-gallon automated and semi-automated collection  
2 containers are the property of the City of Tacoma and provided exclusively by Solid Waste  
3 Management. These containers shall be used only for the collection and disposal of solid  
4 wastes by Solid Waste Management. The ~~20-~~30-, 45-, 60-, and 90-gallon automated and  
5 semi-automated collection containers, including contents, shall not exceed its rated capacity  
6 at the time of collection.

7 C. Bulk solid waste collection containers, i.e., front-load container, drop-off box, and  
8 compactor, may be used only upon prior approval of Solid Waste Management. Solid Waste  
9 Management reserves the right to refuse solid waste collection service if, in the opinion of  
10 Solid Waste Management, the access to or the dumping of these containers presents a  
11 hazard.

12 D. Customers may request one container or service change, per premise, per year.  
13 Additional requests for changes will be billed in addition to the monthly rate, as set forth in  
14 Section 12.09.110.

#### 15 **12.09.070 Special permits.**

16 A. A special permit from the Environmental Services Department shall be required for the  
17 collection, removal, processing, and disposal of solid and infectious waste, including  
18 recyclable materials from within the City limits, by anyone other than City personnel or by  
19 anything other than City equipment. Such collection, removal, processing, or disposal  
20 without a special permit is a violation of this chapter. The Director is authorized to approve  
21 or disapprove applications for special permits. The Director may prepare and require the use  
22 of such forms as deemed essential for administering the requirements of this section.  
23 Permittees shall comply with applicable state laws and City ordinances, and obtain all  
24 applicable City permits including, but not limited to, barricade permits.

25 B. A person denied a special permit or aggrieved by the issuance or revocation of a special  
26 permit may appeal the decision to the City's Hearing Examiner in accordance with TMC  
12.09.250, within 14 days of the date of issuance of the Director's written decision. The  
Director's decision shall be entitled to great deference upon review, and shall be overturned  
only upon a finding of "clear, cogent and convincing" evidence that the permit should be  
issued.

27 C. A special permit may be ~~canceled, if necessary~~ revoked by the Director, without prior  
28 notice, if the permittee fails to comply with this chapter or the terms and conditions of the  
29 special permit, including, but not limited to, annual reporting and inspection requirements. A  
30 special permit ~~may be revoked upon 30 days' written notice. Special permits~~ may be issued  
31 for a maximum duration of one year, and ~~are is~~ renewable if at the Director's discretion,  
32 subject to permittees complying with continues to qualify for the terms of their special  
33 permit and this chapter. The Director may issue special permits for the following reasons:

34 1. For collecting and transporting source-separated recyclable materials from a recycling  
35 drop-off box, or from a commercial or industrial generator of recyclable materials to a  
36 processor of recyclable materials or end user of recyclable materials, or for the receipt and  
37 processing of recyclable materials. ~~Recyclable materials must be as close to 100 percent~~  
~~recyclable as possible and not contain non-recyclable material. Recyclable materials loads~~



1 shall not contain more than 10 percent non-recyclable materials by volume. Loads that  
2 exceed more than 10 percent of non-recyclable materials by volume shall be delivered to the  
3 City of Tacoma Landfill for management and disposal, unless Solid Waste Management  
4 authorizes disposal outside of Tacoma. The Director shall have the sole authority and  
5 discretion to determine when this requirement is met. However, exceptions to this  
6 requirement may be made if the applicant can demonstrate that the proposed activity is in  
7 the best interests of the City for meeting the recycling goals set forth in the Tacoma-Pierce  
8 County Solid Waste Management Plan. The granting of a permit for this activity shall in no  
9 way be construed to mean that the permit allows the permittee to haul solid wastes within  
10 the City in violation of TMC 12.09.020.

11 Any special permit issued for the collection and hauling of recyclable materials shall require  
12 the holder to submit an annual report to the Solid Waste Management Division Manager.  
13 This report may be a copy of the Annual Recycling Survey submitted to Pierce County Solid  
14 Waste or the Department of Ecology required by RCW 70.95. Failure to provide this report  
15 annually shall result in automatic cancellation of the permit.

16 2. For the separation, use or sale of swill; provided said material is transported outside the  
17 City limits.

18 3. To provide temporary drop-off box container service to specific Solid Waste Management  
19 customers in the event Solid Waste Management temporarily cannot provide the service.

20 4. For the collection, removal, and disposal of infectious waste as more specifically  
21 described in TMC 5.04. The permit shall not be effective and shall be deemed revoked if the  
22 permittee does not obtain permits required under TMC 5.04, and/or permits or approvals  
23 required by any other applicable federal, state, or local law or regulation. The collection,  
24 removal, or disposal of infectious waste or infectious waste which has been rendered  
25 noninfectious (hereinafter called "treated waste") in violation of any applicable law or  
26 regulation of the federal, state, county, or City government, or any other governmental entity  
having jurisdiction, shall be grounds for immediate revocation of any permit issued  
hereunder, even if such violation occurs outside the corporate limits of the City's condition  
of the special permit.

Any permittee, as a condition of the special permit, will be required to provide all  
information requested by the City pertaining to the manner in which all aspects of the  
collection, removal, and disposal of infectious waste or treated waste are being carried out  
by the permittee.

5. For the collection, removal, and disposal of any solid waste that is unacceptable for  
disposal in the City's public disposal area.

6. For the collection, removal, and disposal of any solid waste when the City determines that  
it is in the City's best interest for a non-City entity or person to collect, remove, or dispose  
of such waste. A permit of this nature may be issued to authorize one-time services such as  
hauling solid waste and shall require the permittee to report the origin of the material, the  
method of transportation, and the disposal location prior to disposal of the solid waste.



7. For a person or organization to haul solid waste generated as a result of activity at its premises under circumstances that render mandatory service infeasible or impracticable; provided, that the following conditions are met:

a. The person or organization is not in the solid waste hauling business, and owns or leases the vehicle hauling the solid waste;

b. The operator of the vehicle is an employee of the organization generating the waste. Contracting out, and/or hiring others for disposal services is a violation of TMC 12.09.020 and shall not be allowed; and

c. The waste, if acceptable, shall be disposed of at the City's public disposal area.

8. Exemptions may be granted for small quantity generators at the discretion of the Director.

9. Failure to comply with the terms of a special permit issued under this section shall be considered a violation of this chapter, and subject permittee to civil penalties under TMC 12.09.240, and revocation of their special permit.

\* \* \*

#### **12.09.092 Authority to allow residential or commercial service.**

Where a single person or entity owns or controls a combination of multi-family dwelling units and dwelling units that are duplexes or single-family residences, all of which are located on contiguous properties and for which the person or entity pays for solid waste services, the person or entity may request the Director to have all dwelling units located on the contiguous properties treated as commercial or residential for the purposes of this chapter. A person or entity requesting the Director to designate properties as commercial or residential under this section must make a written request for an evaluation of their existing solid waste services to determine if they are eligible for reclassification to the commercial rate schedule or the residential rate schedule. This request shall be submitted to the Director and must include current account information (account number(s), requested service levels for garbage, recycling, and yard waste, and the proposed pick-up location for the service(s)).

A. The Director may designate the requested properties as either commercial or residential provided:

1. Only one account will be used for the service, and one person or entity will be responsible for the account and payment ("responsible customer").

2. The dwelling units are located on contiguous properties owned by or under the control of the responsible customer.

3. The Director determines that designating all requested properties as either residential or commercial will result in more efficient or safer collection or align the services with the environmental goals of the City.

B. If the Director approves of the request to provide residential services to all contiguous properties, the Director will determine how residential solid waste services will be delivered. The Director may designate any combination of shared or individual containers for garbage, recycling, and yard waste collection.



1. If a shared service (300 gallon barrel or Front Load Box) is provided for garbage, the responsible customer ~~shall~~ will be billed for individual container costs specified in TMC 12.09.110.A.1 commensurate with the size of the Container (300 gallon barrel or Front Load Box) and number of units.

2. If individual garbage containers are provided, the responsible customer will be billed using the applicable Residential Barrel rates specified in TMC 12.09.110.A.1.

3. All service charges and requirements of this chapter pertaining to residential services shall apply.

4. The residents in each unit approved for residential services ~~shall~~ will be designated as City of Tacoma residential Solid Waste Customers and ~~shall~~ be eligible for residential services as described in Sections 12.09.110, 12.09.130, and 12.09.140.

C. The decision to approve or deny a request under this section and the determination of how to deliver solid waste services is solely within the Director's discretion, and the Director's decision is final.

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#### 12.09.100 Collection.

Except as set forth in TMC 12.09.105, Solid Waste Management shall provide for the collection and disposal of all solid waste from all occupied residential premises within the City once every two weeks, and from all other occupied premises as often as required by Solid Waste Management. Solid Waste Management reserves the right to establish the appropriate level of service. ~~Provided however, Solid Waste Management may provide solid waste collection and disposal services weekly at certain occupied residential premises until December 31, 2014 to help facilitate the transition to every other week garbage collection.~~

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#### 12.09.110 Residential automated and semi-automated services.

##### A. Minimum Monthly Service.

	Effective Years	
	201 <del>5</del> <sup>3</sup>	201 <del>6</del> <sup>4</sup>
<del>Once each week pickup 20-gallon (supplied by City)</del>	<del>\$25.25</del>	<del>N/A</del>
Once every other week pick-up 30-gallon (supplied City)	\$ <del>18.28</del> <sup>19.30</sup>	\$ <del>18.28</del> <sup>20.38</sup>

1. Collection personnel shall not be required to negotiate steep ramps or stairs or remove ~~20-~~30-, 45-, 60-, and 90-gallon containers from storage bins in the performance of their duties. Where ~~20-~~30-, 45-, 60-, and 90-gallon residential containers are accessible on ground level in the location designated by Solid Waste Management on the street or alley, within five feet of the curb, street, or alley where a Solid Waste Management collection vehicle can stop legally for collection and loading, the rate shall be:



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<b>2013 RATES WEEKLY PICKUP RESIDENTIAL BARRELS</b>				
<b>Residential Category</b>	<b>Monthly Rate</b>	<b>Additional Charge for Overload</b>	<b>Each Reload</b>	<b>Each additional yard waste container (after initial two)</b>
<b>Regular Service</b>				
20 gallon	\$25.25	\$10.00	\$15.00	\$3.00
30 gallon	\$36.55	\$10.00	\$15.00	\$3.00
60 gallon	\$70.80	\$10.00	\$15.00	\$3.00
90 gallon	\$105.15	\$10.00	\$15.00	\$3.00

<b>2015 RATES EVERY OTHER WEEK PICKUP RESIDENTIAL BARRELS</b>				
<b>Residential Category</b>	<b>Monthly Rate</b>	<b>Additional Charge for Overload</b>	<b>Each Reload</b>	<b>Each additional yard waste container (after initial two)</b>
<b>Regular Service</b>				
30 gallon	<del>\$18.28</del> <u>\$19.30</u>	\$10.00	\$15.00	\$3.00
45 gallon	<del>\$27.42</del> <u>\$28.95</u>	\$10.00	\$15.00	\$3.00
60 gallon	<del>\$36.55</del> <u>\$38.59</u>	\$10.00	\$15.00	\$3.00
90 gallon	<del>\$54.83</del> <u>\$57.90</u>	\$10.00	\$15.00	\$3.00
60 x 2 gallon	<del>\$70.80</del> <u>\$77.18</u>	\$10.00	\$15.00	\$3.00
60 + 90 gallon	<del>\$91.38</del> <u>\$96.49</u>	\$10.00	\$15.00	\$3.00
90 x 2 gallon	<del>\$105.15</del> <u>\$115.80</u>	\$10.00	\$15.00	\$3.00

<b>2016 RATES EVERY OTHER WEEK PICKUP RESIDENTIAL BARRELS</b>				
<b>Residential Category</b>	<b>Monthly Rate</b>	<b>Additional Charge for Overload</b>	<b>Each Reload</b>	<b>Each additional yard waste container (after initial two)</b>
<b>Regular Service</b>				
30 gallon	<del>\$18.28</del> <u>\$20.38</u>	\$10.00	\$15.00	\$3.00
45 gallon	<del>\$27.42</del> <u>\$30.57</u>	\$10.00	\$15.00	\$3.00
60 gallon	<del>\$36.55</del> <u>\$40.75</u>	\$10.00	\$15.00	\$3.00
90 gallon	<del>\$54.83</del> <u>\$61.14</u>	\$10.00	\$15.00	\$3.00
60 x 2 gallon	<del>\$73.10</del> <u>\$81.50</u>	\$10.00	\$15.00	\$3.00
60 + 90 gallon	<del>\$91.38</del> <u>\$101.89</u>	\$10.00	\$15.00	\$3.00
90 x 2 gallon	<del>\$109.65</del> <u>\$122.28</u>	\$10.00	\$15.00	\$3.00

2. Where residential containers and extra containers are accessible on ground level, but farther than five feet from the curb, street, or alley where a Solid Waste Management collection vehicle can stop legally for collection and loading, the following additional rates for carrying distance, measured along the route taken for collection, shall apply to each container:



	<b>Garbage</b>	<b>Recycle &amp; Yard Waste</b>
Over 5 feet to 25 feet	\$ <del>8.90</del> <u>4.45</u> per month	\$4.45 per month
Each additional 25 feet or portion thereof	\$ <del>11.10</del> <u>5.55</u> per month	\$5.55 per month

Carry distances shall be measured along the route necessarily taken for collection.

The above rates apply to each and every can or container collected and loaded from a specific premises

3. An additional charge of \$~~11.10~~5.55 per garbage, ~~container per month and \$5.55 per~~ recycle, and yard waste container per month shall be added when containers are not reasonably accessible, regardless of carrying distance.

4. Residential 300-gallon containers shall initially be placed in position by Solid Waste Management to facilitate the collection operation. Once so placed into service, the containers shall not be removed or relocated by the customer. Each customer sharing a 300-gallon container shall pay a rate commensurate with the services received as determined by Solid Waste Management.

5. There will be no charge for initial delivery or change of containers supplied by Solid Waste Management for new customers. In addition, there will be no charge for delivery or change of containers for existing customers once per premise, per year. Additional deliveries of containers in any calendar year to a premise will be billed at \$30.00 per delivery. The Director may waive such delivery charge to help facilitate the transition to every other week garbage collection.

B. If a residential automated collection container is not in place by 7:00 a.m. or is otherwise inaccessible the day of the regularly scheduled pickup and the customer requests that the collection vehicle return to the premises to collect the contents of the container, a return trip charge of \$10.00 may be assessed to the customer. Such charge shall be applied on a per-trip basis without consideration of the size or number of containers collected from the customer. For each additional nonscheduled pickup requested by the customer, a return fee of \$10.00 plus additional container fee may be assessed.

C. Any residential customer in possession of any City-owned container shall pay the cost of repair or replacement of any damaged container, if it is the determination of Solid Waste Management that such damage is the result of the negligence or abuse by the customer. The charge shall be the actual cost of repair or replacement as determined by the City and shall be added to the customer's utility bill.

D. No dwelling unit of a multi-family dwelling (triplex or larger) may receive individual residential solid waste service unless the subject unit is directly billed by the City for payment of all other public utilities servicing that unit, including electricity, water, surface water, and wastewater.

E. Upon approval by Solid Waste Management, residential collection service may be stopped during temporary vacancy of the premises no more than twice per calendar year.



Service shall not be discontinued for a period of less than two weeks. A charge of \$15.00 shall be added to the utility bill for each approved temporary stop-service order. Service shall resume no later than the date specified by the customer in the stop order. An alternative mailing address must be provided if requested by Solid Waste Management.

F. Use of an enclosure built for a container is subject to prior approval by Solid Waste Management and may be revoked upon inspection if not built as per originally approved.

G. Recycling or yard waste containers contaminated with garbage may be dumped as solid waste. When they are, the customer will be charged the "Each Additional Reload" fee identified in the rate table for that class and frequency of service. Recycling containers that are repeatedly contaminated with garbage may be removed at the discretion of Solid Waste Management. A \$30.00 service charge will be assessed for redelivery of each container.

H. Overload charges ~~shall~~ may be charged when the condition of the container meets the definition of "Overloaded" in TMC 12.09.030. Extra bags of garbage will be charged the "Applicable Charge for Overload." If the overload condition, or number of extra bags requires the driver to reload and re-dump the container, the customer will be charged the "Each Reload" fee identified in the rate table for that class and frequency of service.

I. City of Tacoma solid waste ratepayers living in a single-family home or duplex may request two "Call-2 Haul" service appointments per year. No more than three large items, consisting of appliances, furniture, or items of a similar size and weight, and 15 bags or boxes of unusable household items will be picked up by Solid Waste Management at each Call-2 Haul service appointment. No additional charge to the ratepayer will be made for this service. A charge of \$10.00 will be assessed for late cancellations or if items are not set out by 7:00 a.m. on the scheduled date.

#### **12.09.120 Commercial services.**

Solid Waste Management reserves the right to establish the appropriate level of service. No single unit of a multibusiness complex or building may receive individual container service of less than one cubic yard in capacity unless the subject unit is directly billed by the City for payment of all other public utilities servicing that unit, including electricity, water, surface water, and wastewater. Minimum monthly service for City-owned containers shall be one pickup per week, per month, per container, with the exception of drop-off boxes and compactors. Commercial rates for collection of solid waste shall be as follows:

##### **A. Commercial Barrels.**

	Effective Years	
	201 <del>5</del> <sup>3</sup>	201 <del>6</del> <sup>4</sup>
Minimum Monthly Service (20-Gallon):	<del>\$26.85</del> <sup>\$27.17</sup>	<del>\$26.85</del> <sup>\$27.49</sup>



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2015 <del>3</del> RATES				
COMMERCIAL BARRELS				
Commercial Category	Monthly Container Rent*	Monthly Rate (times pickups per week)	Each Additional Pickup	Overload Charge
Regular Service				
20 gallon	na	<del>\$26.85</del> <u>\$27.17</u>	\$1 <del>50</del> .00	<del>\$5</del> <u>\$10</u> .00
30 gallon	na	<del>\$35.95</del> <u>\$36.21</u>	\$1 <del>50</del> .00	<del>\$5</del> <u>\$10</u> .00
60 gallon	na	<del>\$50.20</del> <u>\$52.28</u>	\$1 <del>50</del> .00	<del>\$5</del> <u>\$10</u> .00
90 gallon	na	<del>\$66.55</del> <u>\$70.13</u>	\$1 <del>50</del> .00	<del>\$5</del> <u>\$10</u> .00
300 gallon	\$3. <del>45</del> <u>5</u>	\$166.05	\$38.35	\$25.00
Temporary Service				
Commercial Category	Daily Container Rent*	Each Haul Container	Placement Fee	Overload Charge
20 gallon	na	\$10.00	na	\$5.00
30 gallon	na	\$10.00	na	\$5.00
60 gallon	na	\$10.00	na	\$5.00
90 gallon	na	\$10.00	na	\$5.00
300 gallon	\$1.10	\$38.35	\$15.00	\$25.00

\*Excluding Washington State Sales Tax



2016 RATES COMMERCIAL BARRELS				
Commercial Category	Monthly Container Rent*	Monthly Rate (times pickups per week)	Each Additional Pickup	Overload Charge
Regular Service				
20 gallon	na	\$26.8527.49	\$150.00	\$510.00
30 gallon	na	\$35.9536.47	\$150.00	\$510.00
60 gallon	na	\$50.2054.45	\$150.00	\$510.00
90 gallon	na	\$66.5573.90	\$150.00	\$510.00
300 gallon	\$3.55	\$166.05	\$38.35	\$25.00
Temporary Service				
Commercial Category	Daily Container Rent*	Each Haul Container	Placement Fee	Overload Charge
20 gallon	na	\$10.00	na	\$5.00
30 gallon	na	\$10.00	na	\$5.00
60 gallon	na	\$10.00	na	\$5.00
90 gallon	na	\$10.00	na	\$5.00
300 gallon	\$1.10	\$38.35	\$15.00	\$25.00

\*Excluding Washington State Sales Tax

B. If a commercial 20-, 30-, 60-, 90-, or 300-gallon container is not in place or is otherwise inaccessible at the time the collection vehicle arrives for regularly scheduled pickup and it is necessary for the collection vehicle to return to the premises at a later time to collect and load the contents of the container, a return trip charge of \$10.00 may be assessed to the customer. Regularly scheduled pickups will begin at 6:00 a.m. Such charge shall be applied on a per-trip basis, without consideration for the size or number of containers collected from the customer. For each additional nonscheduled pickup requested by the customer, a return fee of \$10.00 plus additional container fee may be assessed.

C. Commercial container rates for noncompacted solid waste shall consist of a minimum monthly charge, which includes all scheduled weekly pickups within any given month. Additional pickups shall be at the request of the customer and shall be subject to the applicable service charge.

D. Collection personnel shall not be required to negotiate steep ramps or stairs or remove 20-, 30-, 60-, and 90-gallon containers from storage bins in the performance of their duties. Where 20-, 30-, 60-, and 90-gallon containers are accessible on ground level not in the location designated by Solid Waste Management, the following additional rates shall apply to each container:

Over 5 feet to 25 feet	\$8.90 per month
Each additional 25 feet or portion thereof	\$11.10 per month



E. Commercial Bulk Noncompacted Container Rates.

1. City-owned, drop-off box – minimum charge of \$200.00 per month in addition to rent, if not hauled, provided, this charge will not be assessed to boxes used for the purposes of recycling.

2. City-owned, front-load container used on a temporary basis will be charged \$50.00 per month in addition to rent, if not hauled.

3. City-owned 20-, 30-, 60-, 90-, or 300-gallon container used on a temporary basis will be charged the 20-gallon commercial barrel monthly rate if not hauled.

4. Customer-owned container – minimum charge, if not hauled, will be the 20-gallon commercial barrel monthly rate.

5. An additional \$200.00 charge per haul for drop-off box for same day service.

6. An additional rental charge of \$6.00 per month will be made for any container requiring a cover or extra-strength construction.

7. An additional \$25.00 charge per haul for front-load container for same day service.

8. An additional \$50.00 charge for each container relocation without a haul (dump).

9. An additional \$50.00 return charge will be billed to customers who have a scheduled haul for their compactor or DOB and the container was not made accessible for hauling when Solid Waste staff arrived.

10. An additional \$25.00 return charge will be billed to customers who have a scheduled haul for their front-load container and the container was not made accessible for hauling when Solid Waste staff arrived.

11. An additional \$10.00 may be charged for containers or compactors that require double-picking.



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2015 <sup>53</sup> RATES FRONT LOAD CONTAINERS				
Commercial Category	Monthly Container Rent*	Monthly Rate (times pickups per week)	Each Additional Pickup	Overload Charge
Regular Service				
1 Cubic yard	\$4.85	<del>\$163.95</del> <u>165.79</u>	<del>\$37.10</del> <u>38.26</u>	\$25.00
2 Cubic yard	\$7.80	\$218.90	<del>\$48.65</del> <u>50.52</u>	\$25.00
3 Cubic yard	\$8.90	\$281.55	<del>\$61.50</del> <u>64.97</u>	\$30.00
4 Cubic yard	\$10.60	\$344.25	<del>\$75.20</del> <u>79.44</u>	\$35.00
6 Cubic yard	\$13.85	\$469.60	<del>\$102.60</del> <u>108.37</u>	\$40.00
8 Cubic yard	\$15.30	\$594.95	<del>\$130.00</del> <u>137.30</u>	\$45.00
Temporary Service				
Commercial Category	Daily Container Rent*	Each Haul Container	Placement Fee	Overload Charge
1 Cubic yard	\$1.10	<del>\$37.10</del> <u>38.26</u>	\$15.00	\$25.00
2 Cubic yard	\$1.10	<del>\$49.25</del> <u>50.52</u>	\$15.00	\$25.00
3 Cubic yard	\$1.10	<del>\$63.35</del> <u>64.97</u>	\$15.00	\$30.00
4 Cubic yard	\$1.10	<del>\$77.45</del> <u>79.44</u>	\$15.00	\$35.00
6 Cubic yard	\$1.10	<del>\$105.70</del> <u>108.37</u>	\$15.00	\$40.00
8 Cubic yard	\$1.10	<del>\$133.90</del> <u>137.30</u>	\$15.00	\$45.00

\*Excluding Washington State Sales Tax



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20164 RATES FRONT LOAD CONTAINERS				
Commercial Category	Monthly Container Rent*	Monthly Rate (times pickups per week)	Each Additional Pickup	Overload Charge
Regular Service				
1 Cubic yard	\$4.85	<del>\$163.95</del> <u>167.65</u>	<del>\$37.10</del> <u>38.69</u>	\$25.00
2 Cubic yard	\$7.80	\$218.90	<del>\$49.25</del> <u>50.52</u>	\$25.00
3 Cubic yard	\$8.90	\$281.55	<del>\$63.35</del> <u>64.97</u>	\$30.00
4 Cubic yard	\$10.60	\$344.25	<del>\$77.45</del> <u>79.44</u>	\$35.00
6 Cubic yard	\$13.85	\$469.60	<del>\$105.70</del> <u>108.37</u>	\$40.00
8 Cubic yard	\$15.30	\$594.95	<del>\$133.90</del> <u>137.30</u>	\$45.00
Temporary Service				
Commercial Category	Daily Container Rent*	Each Haul Container	Placement Fee	Overload Charge
1 Cubic yard	\$1.10	<del>\$37.10</del> <u>38.69</u>	\$15.00	\$25.00
2 Cubic yard	\$1.10	<del>\$49.25</del> <u>50.52</u>	\$15.00	\$25.00
3 Cubic yard	\$1.10	<del>\$63.35</del> <u>64.97</u>	\$15.00	\$30.00
4 Cubic yard	\$1.10	<del>\$77.45</del> <u>79.44</u>	\$15.00	\$35.00
6 Cubic yard	\$1.10	<del>\$105.70</del> <u>108.37</u>	\$15.00	\$40.00
8 Cubic yard	\$1.10	<del>\$133.90</del> <u>137.30</u>	\$15.00	\$45.00

\*Excluding Washington State Sales Tax



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20153 RATES DROP OFF BOX			
Commercial Category	Monthly Container Rent*	Each Haul per Container	
Regular Service			
15 Cubic Yard	\$36.80	\$504.95	
20 Cubic Yard	\$39.45	\$594.60	
25 Cubic Yard	\$39.55	\$683.95	
30 Cubic Yard	\$43.50	\$773.05	
40 Cubic Yard	\$44.00	\$951.10	
Temporary Service			
	Daily Container Rent*	Each Haul per Container	Placement Fee
15 Cubic Yard	\$1.10	\$504.95	\$50.00
20 Cubic Yard	\$1.10	\$594.60	\$50.00
25 Cubic Yard	\$1.10	\$683.95	\$50.00
30 Cubic Yard	\$1.10	\$773.05	\$50.00
40 Cubic Yard	\$1.10	\$951.10	\$50.00

\*Excluding Washington State Sales Tax

20164 RATES DROP OFF BOX			
Commercial Category	Monthly Container Rent*	Each Haul per Container	
Regular Service			
15 Cubic Yard	\$36.80	\$504.95	
20 Cubic Yard	\$39.45	\$594.60	
25 Cubic Yard	\$39.55	\$683.95	
30 Cubic Yard	\$43.50	\$773.05	
40 Cubic Yard	\$44.00	\$951.10	
Temporary Service			
	Daily Container Rent*	Each Haul per Container	Placement Fee
15 Cubic Yard	\$1.10	\$504.95	\$50.00
20 Cubic Yard	\$1.10	\$594.60	\$50.00
25 Cubic Yard	\$1.10	\$683.95	\$50.00
30 Cubic Yard	\$1.10	\$773.05	\$50.00
40 Cubic Yard	\$1.10	\$951.10	\$50.00

\*Excluding Washington State Sales Tax



12. When the weight of the contents of a noncompacted drop-off box exceeds the applicable maximum weight for a truck to safely handle the load, the customer will be charged the commercial disposal tip fee rate for each ton and/or portion of a ton by which the contents exceed the maximum weight of 10 tons.

13. Uncontained loads that are determined to be "Dusty Loads" by Solid Waste Management are subject to rejection or assessment of additional processing fees.

14. Solid Waste Management reserves the right to collect advance payment for container placement and up to four months of charges for rental and service charges associated with the provision of temporary service. The City Treasurer may accept satisfactory securities or surety bond in lieu of cash payment. Such payment or security may be applied toward the payment of service charges whenever the same shall become due. Solid Waste Management reserves the right to require additional advance payment for subsequent service that may be requested by the customer.

F. Commercial Compactor Container Rates. Commercial rates for collection and disposal of solid waste from customer-owned compactor containers shall be as follows:

1. Customer-owned containers will be charged the 20-gallon commercial barrel rate if no other solid waste service is provided by Solid Waste Management at the location during the month.

<b>2015<del>3</del> RATES FRONT LOAD COMPACTOR CONTAINER</b>	
<b>Commercial Category</b>	<b>Each Container Each Pickup</b>
<b>Regular Service</b>	
2 Cubic Yard	\$99.40
3 Cubic Yard	<del>\$138.30</del> <u>149.64</u>
4 Cubic Yard	<del>\$177.20</del> <u>192.16</u>
5 Cubic Yard	<del>\$216.15</del> <u>234.63</u>

<b>2016<del>4</del> RATES FRONT LOAD COMPACTOR CONTAINER</b>	
<b>Commercial Category</b>	<b>Each Container Each Pickup</b>
<b>Regular Service</b>	
2 Cubic Yard	\$99.40
3 Cubic Yard	<del>\$138.30</del> <u>161.91</u>
4 Cubic Yard	<del>\$177.20</del> <u>208.39</u>
5 Cubic Yard	<del>\$216.15</del> <u>254.69</u>



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20153 RATES	
DROP OFF BOX COMPACTOR	
Commercial Category	Each Container Each Pickup
Regular Service	
10 Cubic Yard	\$719.75
12 Cubic Yard	<del>\$815.35</del> 823.17
15 Cubic Yard	<del>\$959.60</del> 1,019.41
16 Cubic Yard	<del>\$1,007.70</del> 1,069.27
17 Cubic Yard	<del>\$1,055.75</del> 1,108.54
18 Cubic Yard	<del>\$1,103.55</del> 1,158.73
20 Cubic Yard	<del>\$1,199.25</del> 1,274.88
24 Cubic Yard	<del>\$1,390.00</del> 1,479.05
25 Cubic Yard	<del>\$1,438.60</del> 1,530.51
26 Cubic Yard	<del>\$1,486.50</del> 1,581.71
27 Cubic Yard	<del>\$1,534.30</del> 1,632.13
30 Cubic Yard	<del>\$1,677.85</del> 1,786.89
33 Cubic Yard	<del>\$1,821.25</del> 1,942.33
34 Cubic Yard	<del>\$1,869.10</del> 1,991.32
40 Cubic Yard	<del>\$2,156.35</del> 2,299.04

20164 RATES	
DROP OFF BOX COMPACTOR	
Commercial Category	Each Container Each Pickup
Regular Service	
10 Cubic Yard	\$719.75
12 Cubic Yard	<del>\$815.35</del> 831.06
15 Cubic Yard	<del>\$959.60</del> 1,082.94
16 Cubic Yard	<del>\$1,007.70</del> 1,134.60
17 Cubic Yard	<del>\$1,055.75</del> 1,163.97
18 Cubic Yard	<del>\$1,103.55</del> 1,216.67
20 Cubic Yard	<del>\$1,199.25</del> 1,355.28
24 Cubic Yard	<del>\$1,390.00</del> 1,573.81
25 Cubic Yard	<del>\$1,438.60</del> 1,628.29
26 Cubic Yard	<del>\$1,486.50</del> 1,683.02
27 Cubic Yard	<del>\$1,534.30</del> 1,736.20
30 Cubic Yard	<del>\$1,677.85</del> 1,903.01
33 Cubic Yard	<del>\$1,821.25</del> 2,071.46
34 Cubic Yard	<del>\$1,869.10</del> 2,121.53
40 Cubic Yard	<del>\$2,156.35</del> 2,451.18



2. The service charge for other compactor container sizes that may become available shall be determined by Solid Waste Management.

3. When the weight of the contents of a compacted container exceeds the applicable maximum weight for a truck to safely handle the load, the customer will be charged the commercial disposal tip fee rate for each ton and/or portion of a ton by which the contents exceed the maximum weight of 10 tons.

4. Uncontained loads that are determined to be "Dusty Loads" by Solid Waste Management are subject to rejection or assessment of additional processing fees.

G. Recyclable Material Collection Fees. If requested, Solid Waste Management may, at its option, agree to collect recyclable materials from commercial customers at the curb or premises. The fees for this service are typically lower than garbage collection service, but are subject to fluctuations in the value or cost of the recyclable material.

The Director is delegated the authority to assign and charge a rate for the collection of recyclable material from commercial customers. The Director shall assign such a rate in accordance with the following criteria and process:

1. The rate shall reflect the cost of service, to the extent reasonably possible, given the constantly fluctuating value and/or costs of recyclable material.

2. The rate shall include cost items related to the service including, but not limited to, labor and benefits, equipment, maintenance and operations of equipment and containers, processing fees, direct and indirect overhead charges, and other related costs. In addition, revenues received from the sales or marketing of the collected recyclable material and the collection service levels shall be included with the assigned rate.

3. The Director may adjust the assigned rate up to four times per year.

4. Solid Waste Management shall notify the affected parties a minimum of 45 days prior to implementing rate changes.

Application of the assigned rate shall be through the normal billing and invoicing process. In the event a customer cancels service covered under this policy and wishes to initiate similar service within one year's time, a \$50.00 service charge ~~will~~may be applied to the restart of the service.

Due to potential cost savings of collecting all recyclables from an individual customer, the Director is further delegated the authority to negotiate a bundled rate with individual commercial customers for collection of all recyclable materials from that customer for an agreed period of time.



H. Recyclable Materials Bulk Container.

1. Drop-off Box Recycling Service.

Container Placement	\$50.00
Haul Charge	\$50.00 per haul
Mileage Charge	\$2.50 per mile one way
Daily Rental Charge	\$1.10 per day (excluding Washington State sales tax)

Disposal costs shall be the responsibility of the customer. The customer shall arrange for an account at the recycling facility for billing disposal costs directly to the customer. In the event that the customer fails to make proper arrangements for an account at the recycling facility, Solid Waste Management may add the cost of recycling or disposal of the material to the customer's hauling charges.

If the drop-off box is not hauled by the customer within 60 days, Solid Waste Management may remove and haul the drop-off box and charge the customer applicable transportation and disposal costs.

I. Containers shall not be longer than 22 feet, or larger than a 25 yard self-contained compactor, or a 30 cubic yard disconnect-type compactor without the prior written approval of Solid Waste Management.

J. It shall be the responsibility of any customer in possession of any City-owned bulk container to pay the cost of repair to, or replacement of any such container damaged while in his or her possession. The charge shall be the actual cost of repair or replacement as determined by the City and shall be added to the customer's utility bill.

K. The service charge for other container sizes that may become available will be at a rate sufficient to recover the cost of providing the service.

L. In addition to the charges for commercial and residential rates set forth above, when unscheduled services are requested or required, Solid Waste Management shall charge for such services as set forth in this chapter.

M. The siting of a compactor's location shall be coordinated with and specifically approved by Solid Waste Management before installation. If a compactor is placed prior to Solid Waste Management's specific approval and Solid Waste Management deems the placement unacceptable, Solid Waste Management may elect to refuse service. The customer shall relocate and bear all costs incurred for the relocation of the compactor. Such customers shall, among other things, be required to hold the City harmless from any and all liability resulting from the improper placement and/or relocation of the compactor. Siting of the compactor and construction of any compactor enclosure shall be in conformance with all applicable City and state regulations.

N. It is the responsibility of the owner of a customer-owned container to keep the container maintained and serviceable, including all doors, lids, fork pockets, wheels, bail hooks, bottom rails, or any part of the container needed for dumping or hauling of the container.



1 Solid Waste Management shall not be held liable for damage to privately owned containers.  
2 Solid Waste Management is not obligated to service improperly maintained containers.  
3 Customer-owned containers must also be kept graffiti free.

4 O. An enclosure provided for a solid waste container shall be used only for the solid waste  
5 container. If items other than a solid waste container are placed in an enclosure, Solid Waste  
6 Management shall be held harmless for any and all loss or damage to such items, whether  
7 occasioned by Solid Waste Management's negligence or otherwise. It shall be the  
8 responsibility of the customer to keep the enclosure in an acceptable sanitary condition  
9 including the area in the vicinity of the enclosure.

10 P. If an enclosure is gated, the gates shall have the ability to be pinned in the open position.  
11 If gated, the gates shall have at least a 180-degree swing. When gates are in the open  
12 position, they shall not block or infringe on any traffic aisles.

13 1. Drop-off box enclosures shall have a minimum opening width of 12'0" and the depth  
14 must extend a minimum of 3'0" beyond the end of the container.

15 2. Front load box enclosures shall have a minimum opening width of 12'0" and a minimum  
16 depth of 10'0". If two front load box containers are placed, the enclosure shall allow for a  
17 minimum of a three-foot clearance between enclosure and front load box, as well as a two-  
18 foot clearance between each front load box.

19 3. Automated 300-gallon container enclosures shall have a minimum opening width of 10'0"  
20 and a minimum depth of 7'0". In addition, for two or more containers, a three-foot clearance  
21 between enclosure and barrels is required, as well as a two-foot clearance between each  
22 barrel.

23 4. All enclosures shall be designed so the solid waste collection vehicle that services the  
24 enclosed container can maneuver and safely service the container. A service charge of  
25 \$10.00 for 300-gallon containers and \$25.00 for front-load containers and drop-off box  
26 containers may be charged when Solid Waste Management is unable to service a  
commercial customer's container on the scheduled pickup and Solid Waste Management has  
to make a return trip to service the container. This charge may be applied if the container  
access is blocked, the gates to the enclosure are not in the open position, or Solid Waste  
Management is, for any reason, unable to service the container.

Q. Construction of an enclosure for disposal containers shall not commence prior to plan  
approval by Solid Waste Management. Failure to obtain plan approval prior to construction  
may require alterations, relocation, or complete reconstruction of the enclosure at the  
owner's expense. Solid Waste Management may refuse to provide service to a customer  
who has enclosed a disposal container improperly.

R. City-owned recycling containers that are repeatedly contaminated with garbage may be  
removed at the discretion of Solid Waste Management. A \$10.00 service charge will be  
assessed for redelivery of each container.

S. All compactors which may contain liquids are to be equipped with a drain and a  
connection to the sanitary sewer. The connection to the sanitary sewer must meet the



requirements of both Solid Waste Management and the City's Wastewater Management Division.

T. The Director is delegated the authority to assign a rate for the disposal of a particular opportunity fuel as long as the rate does not exceed \$90.00 per ton for disposal of "opportunity fuels," as that term is defined in TMC 12.09.030. If Solid Waste Management requires a purchase of a particular opportunity fuel, Solid Waste Management shall purchase said fuel pursuant to those procedures set forth in the Administrative Policies and Procedures Manual.

U. City of Tacoma Solid Waste Commercial customers may request "Call-2-Haul" service appointments. No more than three large items, consisting of appliances, furniture, or items of a similar size and weight, and 15 bags or boxes of unusable household items will be picked up by Solid Waste Management at each Call-2-Haul service appointment. A charge of \$75.00 will be charged for each commercial Call-2-Haul. A charge of \$10.00 will be assessed for late cancellations or if items are not set out by 7:00 a.m. on the scheduled date.

**12.09.130 Use of Recovery and Transfer Center Facility (disposal site) – General.**

Use of disposal site and applicable rates are defined below. Disposal rates are based on the categories described in sSection A below. City utility billing information may be verified by the scale house customer information system-computer. No person shall use the City's public disposal site except under the following terms and conditions.

A. Disposal Categories. All customers using the disposal site will be charged the specified rate in one of the following categories. The rate will be determined at the scale house. Each customer shall provide proper documentation to qualify for the City residential rate.

1. City Residential Rate. The following individuals shall be eligible for the City residential rate as specified below.

a. The owner-occupant or tenant of a single family home, duplex, townhouse, or condominium located within the City of Tacoma may dispose of solid waste and yard waste from said property at City residential rates with proof of residency as outlined in Section B below.

b. The owner of residential property located within the City of Tacoma may dispose of solid waste and yard waste from said property at City residential rates in Section B, but only if they provide proof that they personally pay all City electrical, water, solid waste, wastewater, and surface water utility services at such property.

c. A tenant in a multi-family dwelling (triplex or larger) located within the City of Tacoma may dispose of solid waste generated from within their living unit at City residential rates with proof of City residency as outlined in section B below. Construction and demolition waste, yard waste, and large appliances will be charged at the City commercial rate.

2. City Commercial Rate. Any City-located business, industry, and mobile home park; organization, either public or private, profit or non-profit; multi-family dwellings (triplex or larger); or person hauling for a second party will be charged the City commercial rate for all solid waste and yard waste.



3. Outside City Rates. Any person who cannot provide proof of City residency as set forth below, or the proof required under subsection 1.b., above, shall be charged the outside City rates for all solid waste and yard waste.

B. Proof of City Residency. To be eligible for the City residential rate, the customer must reside in a single-family, duplex, or multi-family housing unit within the City as described in subsections 1.a, or 1.c of Section A above, and provide one of the following forms of proper documentation as proof of City residency:

1. Current Washington State driver's license or Washington State identification card showing a City address which receives City residential solid waste service in the bearer's name; or

2. Any form of picture identification along with a current City utility bill showing an address that receives residential solid waste service in the bearer's name; or

3. Any form of picture identification along with a piece of current mail (such as a credit card or bank statement) not over 30 days old, in the bearer's name and addressed to a residence which receives City residential solid waste service. To provide equitable service to City residential rate customers, Solid Waste Management may exercise discretion in making exceptions to the Proof of City Residency requirements, provided it is reasonable to believe the customer is a City resident.

C. Fraudulent Use of the Public Disposal Area. No person may dispose of waste at the City's public disposal area under fraudulent circumstances.

D. Scavenging. All materials delivered to and disposed of at the City's public disposal area are the property of the City. No person shall scavenge, separate, collect, or remove such material unless permitted in writing to do so by Solid Waste Management.

E. Unlawful Entry. It is unlawful for any person to enter or use the City's public disposal area, except during the hours designated for public use.

F. Size of Material. Material brought to the City's public disposal area must conform to certain size restrictions based on equipment limitations. Any material exceeding these dimensions may be subject to a special handling fee and/or approval by the Landfill Supervisor. Specific size restrictions for lumber, construction and demolition debris, tree branches, and railroad ties and large beams shall be as follows:

1. Lumber: No longer than 8 feet in length. Wood with a cross-section 6 inches by 6 inches or larger must be cut to 4-foot lengths. Construction and demolition debris such as sections of walls can be no larger than 4 feet by 8 feet.

2. Tree Branches: No longer than 4 feet in length and 8 inches in diameter.

3. Railroad Ties/Large Beams (6 inches by 6 inches): No longer than 4 feet.

The Division Manager for Solid Waste, or his or her designee, may adjust any material size requirements based on operational needs and equipment limitations.

G. Safety. Persons shall not act in an unsafe or disruptive manner while at the Landfill. Children under 12 years of age shall remain in their vehicle at all times. Drivers shall obey



the posted speed limit and signage. Any person who violates the provisions of this subsection may be refused service.

#### 12.09.140 Disposal rates.

All rates are based on 100-pound increments. (~~Any F~~fractions of 100 pounds ~~are~~will be billed as 100 pounds~~to the next 100-pound increment.~~)

1. Solid waste generated within a private resident's home or yard, not including material from:

Pounds per load	Within City of Tacoma		Outside City of Tacoma	
	201 <del>53</del>	201 <del>64</del>	201 <del>53</del>	201 <del>64</del>
0 - 400	\$1 <del>50</del> .00	\$ <del>120</del> .00	\$7.50 per 100 pounds - minimum charge \$1 <del>50</del> .00	\$7.50 per 100 pounds - minimum charge \$ <del>120</del> .00
Disposals of more than 400 pounds	\$6.50 per each 100 pounds exceeding the initial 400-pound load	\$6.50 per each 100 pounds exceeding the initial 400-pound load	\$7.50 per each 100 pounds exceeding the initial 400-pound load	\$7.50 per each 100 pounds exceeding the initial 400-pound load

To qualify for these disposal rates, City residents must present proper documentation in a form that satisfies the requirements of TMC 12.09.130.

2. There shall be no charge for City residential yard waste that is properly prepared and sorted and hauled to the City's public disposal area by the homeowner. This shall apply only to loads consisting of 100 percent yard waste (vegetation). To qualify for this service at no charge, the customer must present at the time of disposal documentation that satisfies the requirements of TMC 12.09.130.B.

3. All material, except Item 1 above:

Pounds per load	
201 <del>53</del>	201 <del>64</del>
\$6.50 per 100 pounds; minimum charge of \$1 <del>50</del> .00	\$6.50 per 100 pounds; minimum charge of \$ <del>120</del> .00

4. Material from nonprofit corporations qualifying under Section 12.09.140.B:

Pounds per load	
201 <del>53</del>	201 <del>64</del>
\$3.25 per 100 pounds; minimum charge of \$1 <del>50</del> .00	\$3.25 per 100 pounds; minimum charge of \$ <del>120</del> .00

5. Special handling:



a. A minimum special handling charge fee of \$100.00 will be charged per load, plus tonnage charges, unless otherwise specified.

b. Other special handling charges-fees shall be applied as follows:

Material from:

	Within City of Tacoma	Outside City of Tacoma
Asbestos	\$ 10.00 minimum plus \$150.00 per ton	Not accepted
(Refer to Section 12.09.200, Disposal of asbestos-containing material)		
Appliances with compressors	\$20 each plus tonnage	\$40 each plus tonnage
Tires –		
Passenger Cars and light trucks	\$3.25 each plus tonnage	\$6.75 each plus tonnage
On rims	\$6.75 each plus tonnage	\$13.00 each plus tonnage
Larger than 10:00 x 20	\$16.50 each plus tonnage	\$33.00 each plus tonnage
No large tires accepted on rims		
Car seats	\$3.25 each plus tonnage	\$6.75 each plus tonnage
Large furniture	\$11.00 for the first 4 pieces, plus \$11.00 for each additional, plus tonnage	\$40.00 per load for the first 4 pieces plus \$11.00 for each additional, plus tonnage
Special handling <u>charges-fees</u> shall not be limited to the items specified above.		

c. All of the above rates are based on one-half hour unloading time. When unloading time exceeds one-half hour, an additional charge fee of \$12.25 for each additional one-half hour or part thereof will be assessed. Time shall be determined by the automated scale system.

d. Any vehicle still being unloaded past closing time may be assessed an additional charge fee.

e. Every person with waste material that requires special handling shall pay such additional charges-fees as will fairly compensate Solid Waste Management for any added expense of properly disposing of such materials, unless otherwise specified. Loads that are determined to be “Dusty Loads” by Solid Waste Management are subject to rejection or assessment of additional processing fees special handling fees. Appliances that have Freon compressors removed will still be charged the special handling fee.

6. Service Charge. A customer who is unable to pay for disposal at the time of disposal at the Tacoma Landfill shall be charged for that disposal along with an additional service charge of \$10.00.

A. Disposal Area Open Accounts. Solid Waste Management may establish open accounts for the benefit of regular customers licensed to do business in the State of Washington and utilizing the City’s public disposal area for disposal of solid waste. Eligibility for open accounts will be determined based on frequency of use, amount of material requiring



disposal, and evidence of a satisfactory credit history. Such open accounts will be subject to a set-up fee of \$25.00 for each disposal account card issued, said fee to be collected at the time the account is established. Solid Waste Management reserves the right to approve or disapprove the establishment and maintenance of open accounts. Solid Waste Management may restrict use of the public disposal area to any customer with a delinquent City public disposal area account until the delinquent balance is paid in full.

Disposal account cards issued to customers shall remain the property of Solid Waste Management. Lost or stolen cards shall be immediately reported in writing to Solid Waste Management. Customers are liable for all charges on lost or stolen cards until written notification is received by Solid Waste Management. There will be a fee of \$25.00 charged to replace each card lost, stolen, or damaged. Cards which fail as a result of normal wear will be replaced at no expense to the customer.

B. A qualifying nonprofit materials salvage/recycling corporation, upon application and approval, may be granted a reduced disposal rate for material hauled in accordance with TMC 12.09.070, and under the following conditions:

1. All waste must have been generated from within the City.
2. Only those wastes generated from the operation of the corporation within the City will be eligible for the reduced disposal fee. All other wastes shall be subject to the applicable rate set forth herein.
3. The waste cannot contain any putrescible materials.
4. The waste must not contain any hazardous materials and must be in accordance with guidelines as to what is normally acceptable by Solid Waste Management.
5. The waste cannot contain any recyclable materials.

C. If the City Council finds that a neighborhood has a blighted condition caused by excessive refuse and/or solid waste and that such a condition is detrimental to the public health and welfare, the City Council may adjust the solid waste rates to fund appropriate programs to remediate such conditions. An example of an appropriate program is a qualifying City neighborhood group conducting a cleanup campaign approved by Solid Waste Management.

A qualifying neighborhood group may be granted disposal privileges at the Tacoma Landfill at no charge, or disposal privileges in a solid waste container supplied by Solid Waste Management at no charge, for material complying with the following conditions:

1. All waste must have been generated from within the City and collected pursuant to the cleanup campaign of the neighborhood group.
2. The waste cannot contain any putrescible materials.
3. The waste must not contain any hazardous materials and must be in accordance with the guidelines as to what is normally acceptable by Solid Waste Management.
4. The waste cannot contain any recyclable materials.
5. The aforementioned disposal privilege may be revoked at any time.



\* \* \*

**12.09.160 Billing periods, payments and collections.**

A. All bills for Solid Waste Management services, as set forth herein, shall be rendered monthly or bimonthly as determined by the City Manager. The utility bill shall become due and payable at the office of the City Treasurer, or such other places as approved by the City Treasurer, within 15 days from the date an invoice is issued per TMC 12.01.030 and shall become delinquent thereafter.

The charge for service furnished for any portion of a billing period shall be prorated on the flat rate set forth herein.

B. Any invoice that becomes delinquent shall be subject to a late payment fee as set forth in TMC 12.01.030. Upon delinquency, all charges and penalties immediately become a lien against the premises served. Such lien may be foreclosed upon in accordance with and pursuant to, the provisions of RCW 35.21.130, 35.21.140, and 35.21.150. In addition to such foreclosure, a customer whose combined utility account is delinquent ~~shall may~~ also be subject to having City water service shut off at the premises to which the solid waste services were furnished. ~~Water service shall continue to be shut off until satisfactory arrangements are made to satisfy the delinquent account.~~ In the event that the City files or releases a lien with the County Auditor, a processing fee will be added to the delinquent amounts owed equivalent to the current fees charged by the County Auditor for filing or releasing a lien. The processing fee will be allocated to Solid Waste Management Funds and for City tax purposes recorded as revenue.

C. It shall be the customer's and the property owner's responsibility to increase, reduce, or terminate Solid Waste Management service when necessary. Solid Waste Management assumes no responsibility for charges accrued due to the failure of a customer to notify Solid Waste Management of a change of service or occupancy.

D. A service fee of \$20.00 shall be made to the disposal charges for any returned check, (i.e., nonsufficient funds, stopped payment, or closed accounts).

\* \* \*

**12.09.190 Prohibited material.**

A. Solid Waste Management may inspect business premises for the purpose of evaluating waste generated and disposal practices. These inspections will be during normal working hours and will be carried out in such a manner as to minimize disruption of the businesses' activities. Environmental Services Department employees will inspect business waste generated and disposal practices for the purpose of determining compliance with this section. Failure of a business to comply with a request for inspection will be deemed a violation and may, at the discretion of the Director, result in revocation of solid waste disposal privileges at the City's public disposal area.

B. No toxic, extremely hazardous, dangerous/ hazardous, or liquid waste as defined now or hereafter amended in WAC 173-303 shall be deposited in any solid waste container, or other container intended for transportation to the City Landfill, or other disposal site operated by the City, or operated by a person under contract with the City to provide such service. Toxic,



1 extremely hazardous, dangerous/hazardous, or liquid waste, as defined now or hereafter  
2 amended in WAC 173-303, shall not be deposited at the City Landfill unless such waste is  
3 accepted for disposal by the City's Household Hazardous Waste Facility. Additionally, no  
4 toxic, extremely hazardous, dangerous/hazardous, or liquid waste, as defined now or  
5 hereafter amended in WAC 173-303, shall be deposited at any other disposal site operated  
6 by the City, or operated by a person under contract with the City to provide such service.  
7 Generators, small quantity generators, contractors, or other persons shall not commingle  
8 and/or deposit toxic, extremely hazardous, dangerous/hazardous, or non-petroleum liquid  
9 waste, as defined now or hereafter amended in WAC 173-303, with used oil and dispose of  
10 such waste into a City-owned used oil collection tank. Unlawful disposal of toxic, extremely  
11 hazardous, dangerous/hazardous, or liquid waste, as defined now or hereafter amended in  
12 WAC 173-303, is prohibited at the City's Household Hazardous Waste Facility.

13 C. No extremely hazardous, dangerous/hazardous, or liquid waste as defined now or  
14 hereafter amended in WAC 173-303 and normally found in the home (household hazardous  
15 waste) shall be deposited in any solid waste container intended for transport to a public  
16 disposal area.

17 1. Empty pesticide containers will be accepted, provided they are prepared for disposal in  
18 accordance with the Washington State Department of Agriculture's guidelines. Empty oil-  
19 base and latex paint containers will be accepted, provided the residue is thoroughly dried.

20 D. No container used to store a liquid, dangerous/hazardous waste, or toxic material will be  
21 accepted for disposal unless emptied and prepared in accordance with Solid Waste  
22 Management's guidelines. Only open-top drums or containers will be accepted for disposal.  
23 Fuel tanks must be cleaned and perforated before they will be accepted. No compressed gas  
24 or air tanks will be accepted for disposal, with the exception of propane tanks which are  
25 five gallons or less in capacity. Persons disposing of propane tanks which are five gallons or  
26 less in capacity shall notify the City's public disposal area personnel prior to disposing of  
such tanks.

E. Unusual Quantities. Solid Waste Management reserves the right to reject large quantities  
of material at the public disposal area not normally generated as a waste of a household or  
business. Such material includes, but is not limited to, demolition waste, dirt, rocks,  
concrete, etc.

F. No infectious waste shall be placed in any container or any public disposal area, unless  
said wastes are handled and treated in accordance with Chapter 5.04 of the Tacoma  
Municipal Code and an applicable special permit has been obtained from the Director.

G. No rocks, dirt, or tires are to be placed in containers for disposal.

H. Yard waste shall be separated from solid waste and placed in a separate container for  
disposal at the City's public disposal area.

I. No hot ashes and/or material capable of causing ignition or spontaneous combustion shall  
be placed in any solid waste container, vehicle, or the City's public disposal area.

J. No bulk wastes shall be placed in automated collection containers other than drop-off  
boxes and front-load containers.



1 K. No used motor oil or other automotive fluids shall be placed, drained, spilled, and/or  
2 released in any solid waste container. Used motor oil will be accepted at the City's public  
3 disposal area only for the purposes of recycling.

4 L. Solid Waste Management reserves the right to prohibit or to place disposal restrictions  
5 upon any waste that may adversely affect landfill, resource recovery, or transfer facility  
6 operations. This shall also extend to any item that may pose a risk to the health or safety of  
7 landfill employees or customers.

8 1. Disposal restrictions that may be implemented shall include, but are not limited to, item  
9 size restrictions, quantity restrictions, recyclability, special preparation requirements, and  
10 solid waste source documentation requirements.

11 M. In the event that prohibited material is deposited in a Solid Waste Management container  
12 or other container at the disposal site, the person or persons responsible for such disposal  
13 activity shall, at their own cost, be responsible for properly cleaning up, decontaminating,  
14 remediating, and properly disposing of such prohibited waste. For the purpose of this  
15 paragraph, the phrase "properly cleaning up, decontaminating, remediating, and properly  
16 disposing of such prohibited waste" means conducting such work in accordance with all  
17 applicable local, state, and federal laws and regulations governing such work. If the party  
18 responsible for disposing of prohibited waste refuses to comply with this section, and the  
19 Solid Waste Management Division cleans up, decontaminates, or remediates, and properly  
20 disposes of such prohibited waste, then the Solid Waste Management Division shall charge  
21 the responsible party for the direct and indirect costs of such action.

#### 22 **12.09.200 Disposal of asbestos-containing material.**

23 The City shall accept asbestos-containing material under the following conditions:

24 A. The asbestos-containing material must be generated from within the limits of the City.  
25 Documentation of the source of the asbestos-containing material shall be required.

26 B. The asbestos-containing material shall be ~~bagged-prepared~~ in a manner approved by Solid  
Waste Management ~~high-visibility yellow bags~~;

C. Disposal of asbestos-containing material shall be restricted to days and times of the week  
determined by Solid Waste Management policy. Weather and landfill conditions may also  
dictate whether disposal will be permitted.

D. The Landfill Supervisor or his/her designated representative shall be notified a minimum  
of 24 hours in advance of bringing the material to the site, and the notification shall include  
the estimated quantity to be landfilled.

E. All local, state, and federal regulatory agency requirements relative to asbestos-  
containing material handling and disposal shall be met.

F. Solid Waste Management reserves the right to prohibit the disposal of asbestos-containing  
material at any time.

#### 25 **12.09.210 Recycling – General.**

26 A. The City reserves the right to, and may at its discretion, require the separation of  
recyclable material, including ~~or~~ food and yard waste or other component parts of solid



waste, or may require the deposit thereof in separate cans or receptacles, and may prescribe the method of collection and reuse.

B. It is the intent of the City to promote and encourage the recycling of materials and to achieve and maintain a 50 percent recycling goal.

C. Recyclable material is considered to be solid waste for the purposes of this chapter. It shall be unlawful for any person other than Solid Waste Management to engage in the business or activity of removing, collecting, salvaging, or destroying any recyclable material, as defined elsewhere in this chapter, that has been set out for collection by Solid Waste Management or has been deposited into a permitted recycling drop-off container or center, either private or public, except by special permit issued under TMC 12.09.070.

1. No person may divert to personal or commercial use any recyclable material placed in a container as part of a recycling program without the consent of the generator of such recyclable material or Solid Waste Management.

D. Recyclable material becomes the property of the City at the moment the material is set out at the curb for collection by Solid Waste Management or at the moment it is deposited into Solid Waste Management-owned recycling containers.

E. Recyclable materials shall mean the materials described in TMC 12.09.030.

F. It shall be unlawful for any person to place any material in or around a recycling container other than the recycling material intended for that container.

G. The Director is authorized and directed to establish and promulgate reasonable regulations, including, but not limited to, regulations governing the permitting of recycling activities and the establishment of standards and conditions for recycling containers and centers. The manner, day, location, and time for the collection of recyclable material, and including yard and garden-food waste, shall be designated by Solid Waste Management.

H. Nothing in this chapter shall abridge the right of any commercial or industrial generation of recyclable materials to give or sell their recyclable material and/or yard and garden-food waste to a lawfully operated recycler, or the right of any person to give or sell their yard and garden-food waste to any lawfully operated composting program.

I. It is unlawful to collect, haul, or convey recyclables, including-or yard and garden-food waste, from any premises in the City, other than from one's own premises or place of business, without a special permit, issued under TMC 12.09.070.

J. It shall be the responsibility of the customer to separate and keep separated from other solid waste any yard and garden-food waste placed at the curb for pickup by Solid Waste Management. Solid Waste management shall not be held responsible for failure to collect the yard and garden-food waste if there is a violation of any part of this chapter or if circumstances are beyond the control of Solid Waste Management. It is also the responsibility of the customer to keep any yard and garden-food waste separated for disposal into the designated areas at Solid Waste Management's public disposal area.

K. All new multi-family residences and new commercial developments shall provide adequate and conveniently located space to store and dispose of recyclable materials and



solid waste. These spaces must be in compliance with the Building Code as adopted by the City and any applicable zoning codes.

\* \* \*

#### **12.09.230 Violations – Penalties.**

Any person, firm, or corporation willfully violating any of the ~~following~~ provisions of this chapter set forth in Subsections A and B below shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine in any sum not exceeding \$1,000.00, or by imprisonment ~~in the Pierce County Jail~~ for a period not exceeding 90 days, or by both such fine and imprisonment. Each day's violation of the provisions of this chapter may be deemed a separate offense.

A. TMC 12.09.040.J, TMC 12.09.050.A, TMC 12.09.070.A, TMC 12.09.130.C, TMC 12.09.130.E, TMC 12.09.190.B, TMC 12.09.190.C, TMC 12.09.190.K, TMC 12.09.200.A, TMC 12.09.200.B, TMC 12.09.210.C, TMC 12.09.210.F, and TMC 12.09.210.I; and

B. Any other violation specified in this chapter as a misdemeanor.

#### **12.09.240 Notice of violation – Civil penalties.**

The Director may impose civil penalties to any person that violates the provisions of this chapter. Civil penalties shall be in an amount up to \$1,000.00 for each violation. Each and every violation shall be a separate and distinct offense, and in the case of a continuing violation, each day's continuance shall be a separate and distinct violation. Failure to take corrective action as specified in a corrective action order issued by the Director under TMC 12.09 may subject the recipient to a civil penalty in an amount not to exceed \$1,000 for each day of continued noncompliance.

A. Notice of Violation. Upon the Director's determination that a civil violation has occurred, or is occurring, he or she is authorized to issue and serve upon the person a Notice of Violation(s), which notice shall describe the time, date, place, and circumstances of each violation noted. The Notice of Violation may also include a civil penalty for each violation, and an order requiring corrective action to be taken. The Notice of Violation shall be served upon the person to whom it is directed by mailing a copy to such person at the person's last known address, postage prepaid, by certified mail with return receipt requested, or by first-class mail. Proof of service shall be established by the date and signature of the addressee on the certified mail "return receipt" form, or upon the third day following the date upon which the Notice of Violation was placed in the mail, unless the third day falls on a Saturday, Sunday, or legal holiday, in which event service shall be deemed complete on the end of the next day which is neither Saturday, Sunday, or a legal holiday. If the person to whom the Notice of Violation is directed cannot, after due diligence, be personally served within Pierce County, and if an address for mailed service cannot, after due diligence, be ascertained, then notice shall be served by posting a copy of the notice of civil violation conspicuously on the property or structure where the violation occurred, or is occurring. In this circumstance, proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the manner by which the service was made, and if service is made by posting, then the facts showing that due diligence was used in attempting to serve the person personally or by mail.



1 B. Payment. Person(s) shall pay the civil penalty and take the corrective action described in  
2 the Notice of Violation, or shall make arrangements to pay and take corrective actions,  
3 which arrangements and plan of corrective actions shall be approved by the Director.  
4 Payment shall be made, or a plan for payment and corrective action satisfactory to the  
5 Director shall be made and completed not later than 30 days after service upon the person of  
6 the Notice of Violation.

7 C. Appeal. A person may, in the alternative, within 30 days of or receiving a Notice of  
8 Violation, file a Notice of Appeal with the City of Tacoma Hearing Examiner and request a  
9 hearing. The Notice of Appeal shall stay all further action on the Notice of Violation and  
10 accumulation of interest upon civil penalties therein pending final decision by the Hearing  
11 Examiner on the appeal; provided, however, that nothing herein shall be taken to limit the  
12 authority of the Director to take such action or to make such directives as are reasonable in  
13 the circumstances to stop or prevent an ongoing or threatened violation. The date of receipt  
14 of a Notice of Violation shall be established according to the proof of service requirements  
15 set forth above in TMC 12.09.240.A.

16 D. Revocation of Service. In the event a person shall fail to make arrangements for  
17 corrective actions or to pay civil penalties, as required herein, and shall not have appealed as  
18 herein provided within the time allowed, then the Director shall order such person's service  
19 immediately suspended and take such action as is necessary to ensure that the person  
20 complies with the provisions of this section, including but not limited to denying access of  
21 the person to the Solid Waste facilities. All such measures shall remain in effect until the  
22 violator has complied with the provisions of this section.

23 E. Hearing Examiner's Authority. Upon an appeal brought to the Hearing Examiner by a  
24 Notice of Appeal of a person charged with a violation, the Hearing Examiner shall set the  
25 matter for hearing and shall determine whether the violation has occurred. The Hearing  
26 Examiner shall conduct a hearing in the Notice of Violation pursuant to the requirements of  
TMC 1.23, and the City of Tacoma Office of Hearing Examiner Rules of Procedure. The  
person to whom the notice of civil violation was directed shall have the right to file a written  
answer to the charge. The person to whom the notice of civil violation was directed shall  
have the right to appear at the hearing represented by legal counsel, and may participate as a  
party. The Director may appear in proceedings under this chapter, and may, but need not, be  
represented by the City Attorney. Each party may call and cross-examine witnesses and be  
fully heard. The burden of proof in such appeal shall be governed by TMC 1.23.070.

27 F. The determination of the Director as to the need for the required corrective action shall be  
28 accorded substantial weight by the Hearing Examiner in determining the reasonableness of  
29 the required corrective action. The Hearing Examiner may call witnesses on the Hearing  
30 Examiner's own motion, and compel the production of books, records, papers, and such  
31 other evidence needed by the parties. To that end, the Hearing Examiner may issue  
32 subpoenas and subpoenas duces tecum at the request of any party. All testimony shall be  
33 given under oath administered by the Hearing Examiner.

34 1. Decision of the Hearing Examiner. Pursuant to Chapter 1.23 TMC, the Hearing Examiner  
35 shall make and fully record in the Hearing Examiner's permanent records, findings of fact,  
36 conclusions of law, and an order of disposition. The Hearing Examiner shall determine



whether the City has established that a violation has occurred and whether the required corrective action is reasonable. The Hearing Examiner's order shall affirm, vacate, or modify the City's decisions regarding the alleged violation and/or the required corrective action, with or without written conditions. The Hearing Examiner shall issue an order to the person responsible for the notice of civil violation which contains the following information:

- a. The decision regarding the alleged violation including findings of fact and conclusions based thereon in support of the decision;
- b. The required corrective action;
- c. The date and time by which the corrective action must be completed; and
- d. The civil penalties assessed.

2. Assessment of Civil Penalties. Civil penalties assessed by the Director shall be in accordance with the provisions of this section. Civil penalties shall be reasonably calculated to achieve compliance with and deter violations of Chapter 12.09 of the Tacoma Municipal Code.

In reviewing the civil penalty assessment of the Director, the Hearing Examiner shall consider the following factors:

- a. Whether the person against whom the notice of civil violation was issued responded to staff attempts to contact that person, and whether the person against whom the notice of civil violation was issued cooperated with efforts to correct the violation;
- b. Whether the person against whom the notice of civil violation was issued failed to appear at the hearing;
- c. Whether the violation was a repeat violation;
- d. Whether the person against whom the notice of civil violation was issued showed due diligence and/or substantial progress in correcting the violation;
- e. Whether a genuine code interpretation issue exists; and
- f. Any other relevant factors.

3. Notice of Decision. The Hearing Examiner shall mail a copy of the decision to the appellant and to the Director.

~~4. Failure to Appear. Failure on the part of the person to whom the notice of civil violation was issued constitutes an admission to the violations alleged. If the person to whom the notice of civil violation was issued fails to appear at the scheduled hearing, the Hearing Examiner will enter an order finding that the violation occurred and assessing the appropriate civil penalty. The City will carry out the Hearing Examiner's order and recover all related expenses.~~

~~a.~~ Failure of a person to comply with the Hearing Examiner's decision, or make arrangements for compliance satisfactory to the Director, within 15 days of the date of the Hearing Examiner's decision shall result in termination of violator's permit, and the Director



shall thereupon order ~~physical~~ termination of service forthwith, which service shall not be resumed until the Hearing Examiner's order has been complied with.

5. Appeal to Municipal Court. If the Hearing Examiner orders any person to pay a civil penalty, that person may appeal, in the form of a trial de novo, to the Tacoma Municipal Court.

a. The Tacoma Municipal Court shall hear the case according to the Civil Rules for Courts of Limited Jurisdiction and applicable local rules of the Court.

b. Appeal shall be taken by filing in the Tacoma Municipal Court a Notice of Appeal within 14 days of the Hearing Examiner's order. The person filing the appeal shall also, within the same 14 days, serve a copy of the notice of appeal on the Hearing Examiner, the Director, the City Attorney, and shall file an acknowledgment or affidavit of service in the Tacoma Municipal Court.

6. Nonexclusive Remedy. The provision for civil penalties is not exclusive, and civil penalties may be used together with other remedies that may exist in law or equity, except that no act or omission that is defined as a crime by Washington or federal law shall incur a civil penalty.

#### **12.09.250 Appeals of special permits.**

Any person wishing to appeal issuance, denial, or revocation of a special permit shall file a written appeal with the Hearing Examiner and request a hearing within 30 days of receipt of the written denial or revocation of the special permit. The date of receipt shall be established in accordance with the proof of service requirements set forth in TMC 12.09.240.A. The Hearing Examiner shall conduct a hearing in such appeal pursuant to the requirements of TMC 1.23 and the City of Tacoma Office of Hearing Examiner Rules of Procedure for Hearing. The burden of proof in such hearings shall be governed by TMC 1.23.070.C.

**ORDINANCE NO. 28263**

1 AN ORDINANCE relating to the Compensation Plan; amending Chapter 1.12 of  
2 the Tacoma Municipal Code to implement rates of pay and compensation  
3 for certain represented and unrepresented employees and changes in  
4 classification to reflect the organizational structure; and declaring the  
5 effective dates thereof.

6 BE IT ORDAINED BY THE CITY OF TACOMA:

7 Section 1. That Chapter 1.12 of the Tacoma Municipal Code is hereby  
8 amended by amending Sections 1.12.020, 1.12.080, 1.12.200, 1.12.220, 1.12.230,  
9 1.12.231, 1.12.232, 1.12.248, 1.12.265, 1.12.345, and 1.12.640 thereto, effective  
10 as provided by law, as set forth on the attached Exhibit "A."

11 Section 2. That Section 1.12.355 of the Tacoma Municipal Code is hereby  
12 amended, effective January 1, 2015, as follows:

Code	A	Job Title	1	2	3	4	5
5511		Sales & Service Representative	<del>19.05</del>	<del>20.00</del>	<del>21.00</del>	<del>22.05</del>	<del>23.15</del>
5516		Telecommunications Utility Worker	<del>18.03</del>	<del>18.93</del>	<del>19.87</del>	<del>20.87</del>	<del>21.91</del>
5517		Network Operations Center Technician	<del>21.49</del>	<del>22.56</del>	<del>23.69</del>	<del>24.88</del>	<del>26.12</del>
5518		Telecommunications Technician 1	<del>22.99</del>	<del>24.14</del>	<del>25.34</del>	<del>26.61</del>	<del>27.94</del>
5540		Telecommunications Network Construction Technician	<del>25.55</del>	<del>26.83</del>	<del>28.17</del>	<del>29.58</del>	<del>31.06</del>
5543		Telecommunications Network Technician	<del>28.85</del>	<del>30.29</del>	<del>31.81</del>	<del>33.40</del>	<del>35.07</del>

Code	A	Job Title	1	2	3	4	5
5511		Sales & Service Representative	<u>19.47</u>	<u>20.44</u>	<u>21.46</u>	<u>22.54</u>	<u>23.66</u>
5516		Telecommunications Utility Worker	<u>18.43</u>	<u>19.35</u>	<u>20.31</u>	<u>21.33</u>	<u>22.39</u>
5517		Network Operations Center Technician	<u>21.96</u>	<u>23.06</u>	<u>24.21</u>	<u>25.43</u>	<u>26.69</u>
5518		Telecommunications Technician 1	<u>23.50</u>	<u>24.67</u>	<u>25.90</u>	<u>27.20</u>	<u>28.55</u>
5540		Telecommunications Network Construction Technician	<u>26.11</u>	<u>27.42</u>	<u>28.79</u>	<u>30.23</u>	<u>31.74</u>
5543		Telecommunications Network Technician	<u>29.48</u>	<u>30.96</u>	<u>32.51</u>	<u>34.13</u>	<u>35.84</u>



Section 3. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective January 1, 2015, as follows:

Code	A	Job Title	1	2	3	4	5	6
4321	A	Court Clerk	<u>18.92</u>	<u>19.89</u>	<u>20.91</u>	<u>21.97</u>	<u>23.08</u>	<u>24.26</u>

Code	A	Job Title	1	2	3	4	5	6
4321	A	Court Clerk	<u>19.34</u>	<u>20.33</u>	<u>21.37</u>	<u>22.45</u>	<u>23.59</u>	<u>24.79</u>

Section 4. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective April 1, 2015, as follows:

Code	A	Job Title	1	2	3	4	5	6	7
4120		Communications System Technician	<u>44.13</u>						
4121		Communications System Technician, Senior	<u>46.87</u>						
4119		Communications Systems Technician, Apprentice	<u>30.52</u>	<u>31.32</u>	<u>32.29</u>	<u>33.25</u>	<u>34.23</u>	<u>35.20</u>	<u>36.10</u>
5004		Craft Helper	<u>19.08</u>	<u>20.04</u>	<u>21.04</u>	<u>22.09</u>	<u>23.19</u>		
2125		Electrical Inspector	<u>36.57</u>	<u>38.39</u>	<u>40.31</u>				
5230		Electrical Meter & Relay Technician	<u>42.20</u>						
5242A		Electrical Meter & Relay Technician, Apprentice	<u>31.57</u>	<u>32.38</u>	<u>33.39</u>	<u>34.40</u>	<u>35.41</u>	<u>36.42</u>	<u>37.44</u>
5239		Electrical Trainee	<u>22.58</u>	<u>25.66</u>					
5240		Electrical Worker	<u>25.60</u>	<u>26.88</u>	<u>28.22</u>	<u>29.63</u>			
5236		Electrician	<u>35.98</u>						
0623		Energy Services Representative	<u>28.13</u>	<u>29.53</u>	<u>31.01</u>	<u>32.56</u>	<u>34.19</u>		
6008		Facilities Maintenance Mechanic	<u>30.12</u>	<u>31.63</u>	<u>33.21</u>				
6009		Facilities Maintenance Mechanic, Lead	<u>33.14</u>	<u>34.79</u>	<u>36.53</u>				
5270		Fire Maintenance Electrician	<u>40.50</u>						
5244		Fire Maintenance Electrician, Apprentice	<u>31.59</u>	<u>32.40</u>	<u>33.42</u>	<u>34.43</u>	<u>35.44</u>	<u>36.45</u>	<u>37.47</u>
5145		Heating/AC Maintenance Mechanic Supervisor	<u>35.02</u>	<u>36.77</u>	<u>38.61</u>	<u>40.54</u>	<u>42.56</u>		
5132		Hydro Project Electrician	<u>42.90</u>						
5301		Hydro Project Mechanic	<u>42.90</u>						
5056		Hydro Utility Worker	<u>27.82</u>	<u>29.21</u>	<u>30.67</u>	<u>32.20</u>			
5057		Hydro Utility Worker, Senior	<u>37.03</u>						



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5253		Line Clearance Tree Trimmer	<u>37.51</u>						
5254		Line Clearance Tree Trimmer, Senior	<u>40.85</u>						
5255		Line Electrician	<u>43.63</u>						
5241A		Line Electrician, Apprentice	<u>31.15</u>	<u>31.95</u>	<u>32.93</u>	<u>33.93</u>	<u>34.91</u>	<u>35.90</u>	<u>36.89</u>
5257		Line Electrician, Senior	<u>48.86</u>						
5256		Line Equipment Operator	<u>36.14</u>						
5141		Mechanical Maintenance Worker	<u>33.21</u>						
5275		Signal & Lighting Electrician	<u>37.57</u>						
5273		Signal & Lighting Electrician, Apprentice	<u>29.36</u>	<u>30.10</u>	<u>31.03</u>	<u>31.97</u>	<u>32.90</u>	<u>33.84</u>	<u>34.77</u>
5274		Signal & Lighting Electrician, Senior	<u>42.09</u>						
5116		Substation Operator, Senior	<u>40.94</u>	<u>42.98</u>					
5119		Systems Power Dispatcher Candidate	<u>37.55</u>	<u>39.42</u>	<u>41.39</u>	<u>43.46</u>	<u>45.64</u>		
5120		Systems Power Dispatcher Generation	<u>53.04</u>						
5238		Tool & Equipment Room Coordinator	<u>31.42</u>	<u>32.99</u>					
5252		Transmission & Distribution Arborist	<u>44.01</u>						
5003		Transmission & Distribution Flagger	<u>18.62</u>	<u>19.65</u>	<u>20.69</u>				
0617		Utility Service Specialist	<u>34.29</u>	<u>36.00</u>	<u>37.80</u>	<u>39.69</u>	<u>41.67</u>	<u>43.76</u>	<u>45.95</u>
5245		Wire Electrician	<u>42.92</u>						
5243A		Wire Electrician, Apprentice	<u>30.87</u>	<u>31.33</u>	<u>32.32</u>	<u>33.30</u>	<u>34.33</u>	<u>35.28</u>	<u>36.27</u>
5246		Wire Electrician, Senior	<u>47.97</u>						
5302		Wynoochee Project Maintenance Technician	<u>33.33</u>	<u>34.11</u>	<u>34.92</u>	<u>35.74</u>			

Code	A	Job Title	1	2	3	4	5	6	7
4120		Communications System Technician	<u>45.10</u>						
4121		Communications System Technician, Senior	<u>47.90</u>						
4119		Communications Systems Technician, Apprentice	<u>31.19</u>	<u>32.01</u>	<u>33.00</u>	<u>33.98</u>	<u>34.98</u>	<u>35.97</u>	<u>36.89</u>
5004		Craft Helper	<u>19.50</u>	<u>20.48</u>	<u>21.50</u>	<u>22.58</u>	<u>23.70</u>		
2125		Electrical Inspector	<u>37.37</u>	<u>39.23</u>	<u>41.20</u>	-	-		
5230		Electrical Meter & Relay Technician	<u>43.13</u>						
5242A		Electrical Meter & Relay Technician, Apprentice	<u>32.26</u>	<u>33.09</u>	<u>34.12</u>	<u>35.16</u>	<u>36.19</u>	<u>37.22</u>	<u>38.26</u>
5239		Electrical Trainee	<u>23.08</u>	<u>26.22</u>					
5240		Electrical Worker	<u>26.16</u>	<u>27.47</u>	<u>28.84</u>	<u>30.28</u>			



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5236	Electrician	<a href="#">36.77</a>						
0623	Energy Services Representative	<a href="#">28.75</a>	<a href="#">30.18</a>	<a href="#">31.69</a>	<a href="#">33.28</a>	<a href="#">34.94</a>		
6008	Facilities Maintenance Mechanic	<a href="#">30.78</a>	<a href="#">32.33</a>	<a href="#">33.94</a>				
6009	Facilities Maintenance Mechanic, Lead	<a href="#">33.87</a>	<a href="#">35.56</a>	<a href="#">37.33</a>				
5270	Fire Maintenance Electrician	<a href="#">41.39</a>						
5244	Fire Maintenance Electrician, Apprentice	<a href="#">32.28</a>	<a href="#">33.11</a>	<a href="#">34.16</a>	<a href="#">35.19</a>	<a href="#">36.22</a>	<a href="#">37.25</a>	<a href="#">38.29</a>
5145	Heating/AC Maintenance Mechanic Supervisor	<a href="#">35.79</a>	<a href="#">37.58</a>	<a href="#">39.46</a>	<a href="#">41.43</a>	<a href="#">43.50</a>		
5132	Hydro Project Electrician	<a href="#">43.84</a>						
5301	Hydro Project Mechanic	<a href="#">43.84</a>						
5056	Hydro Utility Worker	<a href="#">28.43</a>	<a href="#">29.85</a>	<a href="#">31.34</a>	<a href="#">32.91</a>			
5057	Hydro Utility Worker, Senior	<a href="#">37.84</a>						
5253	Line Clearance Tree Trimmer	<a href="#">38.34</a>						
5254	Line Clearance Tree Trimmer, Senior	<a href="#">41.75</a>						
5255	Line Electrician	<a href="#">44.59</a>						
5241A	Line Electrician, Apprentice	<a href="#">31.84</a>	<a href="#">32.65</a>	<a href="#">33.65</a>	<a href="#">34.68</a>	<a href="#">35.68</a>	<a href="#">36.69</a>	<a href="#">37.70</a>
5257	Line Electrician, Senior	<a href="#">49.93</a>						
5256	Line Equipment Operator	<a href="#">36.94</a>						
5141	Mechanical Maintenance Worker	<a href="#">33.94</a>						
5275	Signal & Lighting Electrician	<a href="#">38.40</a>						
5273	Signal & Lighting Electrician, Apprentice	<a href="#">30.01</a>	<a href="#">30.76</a>	<a href="#">31.71</a>	<a href="#">32.67</a>	<a href="#">33.62</a>	<a href="#">34.58</a>	<a href="#">35.53</a>
5274	Signal & Lighting Electrician, Senior	<a href="#">43.02</a>						
5116	Substation Operator, Senior	<a href="#">41.84</a>	<a href="#">43.93</a>					
5119	Systems Power Dispatcher Candidate	<a href="#">38.38</a>	<a href="#">40.29</a>	<a href="#">42.30</a>	<a href="#">44.42</a>	<a href="#">46.64</a>		
5120	Systems Power Dispatcher Generation	<a href="#">54.21</a>						
5238	Tool & Equipment Room Coordinator	<a href="#">32.11</a>	<a href="#">33.72</a>					
5252	Transmission & Distribution Arborist	<a href="#">44.98</a>						
5003	Transmission & Distribution Flagger	<a href="#">19.03</a>	<a href="#">20.08</a>	<a href="#">21.15</a>				
0617	Utility Service Specialist	<a href="#">35.04</a>	<a href="#">36.79</a>	<a href="#">38.63</a>	<a href="#">40.56</a>	<a href="#">42.59</a>	<a href="#">44.72</a>	<a href="#">46.96</a>
5245	Wire Electrician	<a href="#">43.86</a>						



5243A		Wire Electrician, Apprentice	<a href="#">31.55</a>	<a href="#">32.02</a>	<a href="#">33.03</a>	<a href="#">34.03</a>	<a href="#">35.09</a>	<a href="#">36.06</a>	<a href="#">37.07</a>
5246		Wire Electrician, Senior	<a href="#">49.03</a>						
5302		Wynoochee Project Maintenance Technician	<a href="#">34.06</a>	<a href="#">34.86</a>	<a href="#">35.69</a>	<a href="#">36.53</a>			

Section 5. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective January 1, 2015, as follows:

Code	A	Job Title	1	2	3	4	5
5102		WWTP Maintenance Supervisor	<a href="#">40.82</a>	<a href="#">42.79</a>	<a href="#">44.85</a>	<a href="#">47.02</a>	<a href="#">49.29</a>

Code	A	Job Title	1	2	3	4	5
5102		WWTP Maintenance Supervisor	<a href="#">41.84</a>	<a href="#">43.86</a>	<a href="#">45.97</a>	<a href="#">48.20</a>	<a href="#">50.52</a>

Section 6. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective January 1, 2015, as follows:

Code	A	Job Title	1	2	3	4	5
5332		Equipment Mechanic, Heavy	<a href="#">31.27</a>				
5310		Fabrication Welder	<a href="#">31.23</a>	<a href="#">32.79</a>			
5335		Fire & Marine Diesel Mechanic	<a href="#">34.11</a>				
5336		Fire & Marine Shop Supervisor	<a href="#">42.61</a>				
5312		Machinist	<a href="#">31.83</a>				
5338		Solid Waste Mechanic	<a href="#">28.79</a>				
5346		Vehicle & Equipment Communications Technician	<a href="#">25.43</a>	<a href="#">26.70</a>	<a href="#">28.04</a>	<a href="#">29.44</a>	<a href="#">30.91</a>
5330		Vehicle & Equipment Shop Attendant	<a href="#">22.56</a>	<a href="#">23.68</a>	<a href="#">24.87</a>	<a href="#">26.11</a>	<a href="#">27.42</a>
5334		Vehicle & Equipment Shop Supervisor	<a href="#">38.65</a>	<a href="#">40.58</a>			
5099		WWTP Assistant	<a href="#">24.10</a>	<a href="#">25.31</a>	<a href="#">26.58</a>	<a href="#">27.90</a>	<a href="#">29.30</a>
5105		WWTP Maintenance Machinist	<a href="#">31.63</a>	<a href="#">33.21</a>	<a href="#">34.88</a>	<a href="#">36.62</a>	
5106		WWTP Maintenance Machinist, Senior	<a href="#">38.36</a>	<a href="#">40.28</a>			

Code	A	Job Title	1	2	3	4	5
5332		Equipment Mechanic, Heavy	<a href="#">31.96</a>				
5310		Fabrication Welder	<a href="#">31.92</a>	<a href="#">33.51</a>			
5335		Fire & Marine Diesel Mechanic	<a href="#">34.86</a>				
5336		Fire & Marine Shop Supervisor	<a href="#">43.55</a>				
5312		Machinist	<a href="#">32.53</a>				
5338		Solid Waste Mechanic	<a href="#">29.42</a>				
5346		Vehicle & Equipment Communications Technician	<a href="#">25.99</a>	<a href="#">27.29</a>	<a href="#">28.66</a>	<a href="#">30.09</a>	<a href="#">31.59</a>



5330		Vehicle & Equipment Shop Attendant	<u>23.06</u>	<u>24.20</u>	<u>25.42</u>	<u>26.68</u>	<u>28.02</u>
5334		Vehicle & Equipment Shop Supervisor	<u>39.50</u>	<u>41.47</u>			
5099		WWTP Assistant	<u>24.63</u>	<u>25.87</u>	<u>27.16</u>	<u>28.51</u>	<u>29.94</u>
5105		WWTP Maintenance Machinist	<u>32.33</u>	<u>33.94</u>	<u>35.65</u>	<u>37.43</u>	
5106		WWTP Maintenance Machinist, Senior	<u>39.20</u>	<u>41.17</u>			

Section 7. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective January 1, 2015, as follows:

Code	A	Job Title	1	2
7101		Railway Yard Clerk	<u>22.84</u>	<u>30.49</u>

Code	A	Job Title	1	2
7101		Railway Yard Clerk	<u>23.37</u>	<u>31.16</u>

Section 8. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective July 1, 2015, as follows:

Code	A	Job Title	1	2
7101		Railway Yard Clerk	<u>23.34</u>	<u>31.16</u>

Code	A	Job Title	1	2
7101		Railway Yard Clerk	<u>23.26</u>	<u>31.05</u>

Section 9. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective January 1, 2015, as follows:

Code	A	Job Title	1	2	3	4	5
7140		Locomotive Mechanic 1	<u>27.14</u>	<u>28.80</u>	<u>30.46</u>	<u>32.12</u>	<u>33.78</u>
7141		Locomotive Mechanic, Senior	<u>36.79</u>				
7142		Railway Shop Worker	<u>20.92</u>	<u>21.95</u>	<u>23.02</u>	<u>24.14</u>	<u>25.42</u>

Code	A	Job Title	1	2	3	4	5
7140		Locomotive Mechanic 1	<u>27.74</u>	<u>29.43</u>	<u>31.13</u>	<u>32.83</u>	<u>34.52</u>
7141		Locomotive Mechanic, Senior	<u>37.60</u>				
7142		Railway Shop Worker	<u>21.38</u>	<u>22.43</u>	<u>23.53</u>	<u>24.67</u>	<u>25.98</u>



Section 10. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective January 1, 2015, as follows:

Code	A	Job Title	1	2	3	4	5	6
7145		Railway Track Equipment Mechanic-Welder	<del>26.56</del>	<del>28.18</del>	<del>29.81</del>	<del>31.42</del>	<del>33.06</del>	
7119		Railway Track Inspector	<del>22.35</del>	<del>23.84</del>	<del>25.33</del>	<del>26.82</del>	<del>28.31</del>	<del>29.80</del>
7119A		With 5+ years of experience	<del>22.35</del>	<del>23.84</del>	<del>26.82</del>	<del>29.80</del>		
7121		Railway Track Maintenance Supervisor	<del>23.99</del>	<del>25.59</del>	<del>27.19</del>	<del>28.79</del>	<del>30.39</del>	<del>31.99</del>
7121A		With 5+ years of experience	<del>23.99</del>	<del>25.59</del>	<del>28.79</del>	<del>31.99</del>		
7120		Railway Track Maintenance Worker	<del>21.31</del>	<del>22.73</del>	<del>24.15</del>	<del>25.57</del>	<del>26.99</del>	<del>28.41</del>
7120A		With 5+ years of experience	<del>21.31</del>	<del>22.73</del>	<del>25.57</del>	<del>28.41</del>		

Code	A	Job Title	1	2	3	4	5	6
7145		Railway Track Equipment Mechanic-Welder	<u>27.14</u>	<u>28.80</u>	<u>30.47</u>	<u>32.11</u>	<u>33.79</u>	
7119		Railway Track Inspector	<u>22.84</u>	<u>24.36</u>	<u>25.89</u>	<u>27.41</u>	<u>28.93</u>	<u>30.46</u>
7119A		With 5+ years of experience	<u>22.84</u>	<u>24.36</u>	<u>27.41</u>	<u>30.46</u>		
7121		Railway Track Maintenance Supervisor	<u>24.52</u>	<u>26.16</u>	<u>27.79</u>	<u>29.42</u>	<u>31.06</u>	<u>32.69</u>
7121A		With 5+ years of experience	<u>24.52</u>	<u>26.16</u>	<u>29.42</u>	<u>32.69</u>		
7120		Railway Track Maintenance Worker	<u>21.78</u>	<u>23.23</u>	<u>24.68</u>	<u>26.13</u>	<u>27.58</u>	<u>29.04</u>
7120A		With 5+ years of experience	<u>21.78</u>	<u>23.23</u>	<u>26.13</u>	<u>29.04</u>		

Section 11. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective January 1, 2015, as follows:

Code	A	Job Title	1	2	3	4
7105		Railway Switch Operator	<del>25.35</del>	<del>26.82</del>	<del>29.79</del>	<del>32.82</del>
7105A		Hired After 8/92	<del>21.58</del>	<del>23.01</del>	<del>25.89</del>	<del>28.77</del>
7106		Railway Switch Supervisor	<del>26.82</del>	<del>28.41</del>	<del>31.61</del>	<del>34.80</del>
7106A		Hired After 8/92	<del>22.53</del>	<del>24.04</del>	<del>27.04</del>	<del>30.05</del>

Code	A	Job Title	1	2	3	4
7105		Railway Switch Operator	<u>25.83</u>	<u>27.33</u>	<u>30.36</u>	<u>33.44</u>
7105A		Hired After 8/92	<u>21.99</u>	<u>23.45</u>	<u>26.38</u>	<u>29.32</u>
7106		Railway Switch Supervisor	<u>27.33</u>	<u>28.95</u>	<u>32.21</u>	<u>35.46</u>
7106A		Hired After 8/92	<u>22.97</u>	<u>24.50</u>	<u>27.56</u>	<u>30.62</u>



Section 12. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective January 1, 2015, as follows:

Code	A	Job Title	1	2
7115		Railway Yardmaster	<del>34.26</del>	<del>42.82</del>

Code	A	Job Title	1	2
7115		Railway Yardmaster	<u>35.51</u>	<u>44.07</u>

Section 13. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective July 1, 2015, as follows:

Code	A	Job Title	1
7111		Locomotive Engineer	<del>35.94</del>

Code	A	Job Title	1
7111		Locomotive Engineer	<u>37.04</u>

Section 14. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective December 29, 2014, as follows:

Code	A	Job Title	1	2
<u>5013</u>		<u>Sewer Heavy Equipment Operator</u>	<u>30.45</u>	<u>31.97</u>

Section 15. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective January 1, 2015, as follows:

Code	A	Job Title	1	2
<u>5013</u>		<u>Sewer Heavy Equipment Operator</u>	<u>30.45</u>	<u>31.97</u>

Code	A	Job Title	1	2
<u>5013</u>		<u>Sewer Heavy Equipment Operator</u>	<u>31.12</u>	<u>32.67</u>



Section 16. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective retroactive to August 12, 2014, as follows:

Code	A	Job Title	1A	1B	1C	1D	2A	2B	2C	2D
5100		Biosolids Coordinator	<del>28.76</del>	<del>29.12</del>	<del>29.48</del>	<del>29.85</del>	<del>30.23</del>	<del>30.60</del>	<del>30.99</del>	<del>31.37</del>
			3A	3B	3C	3D	4A	4B	4C	4D
			<del>31.77</del>	<del>32.16</del>	<del>32.56</del>	<del>32.97</del>	<del>33.38</del>	<del>33.80</del>	<del>34.22</del>	<del>34.65</del>
			5A	5B	5C	5D	6A			
			<del>35.08</del>	<del>35.52</del>	<del>35.97</del>	<del>36.42</del>	<del>36.87</del>			

Code	A	Job Title	1	2	3	4	5
5100		Biosolids Coordinator	<del>30.70</del>	<del>32.23</del>	<del>33.84</del>	<del>35.54</del>	<del>37.31</del>

Section 17. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective retroactive to August 12, 2014, as follows:

Code	A	Job Title	1A	1B	1C	1D	2A	2B	2C	2D
5097		Biosolids Supervisor	<del>31.96</del>	<del>32.36</del>	<del>32.76</del>	<del>33.17</del>	<del>33.58</del>	<del>34.00</del>	<del>34.42</del>	<del>34.85</del>
			3A	3B	3C	3D	4A	4B	4C	4D
			<del>35.29</del>	<del>35.73</del>	<del>36.18</del>	<del>36.63</del>	<del>37.09</del>	<del>37.55</del>	<del>38.02</del>	<del>38.50</del>
			5A	5B	5C	5D	6A			
			<del>38.98</del>	<del>39.47</del>	<del>39.96</del>	<del>40.46</del>	<del>40.97</del>			

Code	A	Job Title	1	2	3	4	5
5097		Biosolids Supervisor	<del>34.11</del>	<del>35.82</del>	<del>37.61</del>	<del>39.49</del>	<del>41.46</del>

Section 18. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective January 1, 2015, as follows:

Code	A	Job Title	1	2	3	4	5
6006		Building Maintenance Supervisor, Assistant	<del>29.05</del>	<del>30.51</del>	<del>32.03</del>		
6005		Building Maintenance Worker	<del>24.21</del>	<del>25.42</del>	<del>26.69</del>		
6002		Custodian	<del>16.90</del>	<del>17.75</del>	<del>18.63</del>	<del>19.57</del>	<del>20.54</del>



Code	A	Job Title	1	2	3	4	5
6006		Building Maintenance Supervisor, Assistant	<a href="#">29.69</a>	<a href="#">31.18</a>	<a href="#">32.73</a>		
6005		Building Maintenance Worker	<a href="#">24.74</a>	<a href="#">25.98</a>	<a href="#">27.28</a>		
6002		Custodian	<a href="#">17.27</a>	<a href="#">18.14</a>	<a href="#">19.04</a>	<a href="#">20.00</a>	<a href="#">20.99</a>

Section 19. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective January 1, 2015, as set forth on the attached Exhibit "B."

Section 20. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective January 1, 2016, as set forth on the attached Exhibit "C."

Section 21. That Section 1 shall become effective as provided by law. That Sections 2, 3, 5, 6, 7, 9, 10, 11, 12, 15, 18, and 19 shall become effective January 1, 2015. That Section 4 shall become effective April 1, 2015. That Sections 8 and 13 shall become effective July 1, 2015. That Section 14 shall become effective December 29, 2014. That Sections 16 and 17 shall become effective retroactive to August 12, 2014. That Section 20 shall become effective January 1, 2016.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney



## EXHIBIT "A"

### 1.12.020 Development and maintenance of salary ranges.

Salary ranges shall be linked directly to the plan of position classification and shall be determined with due regard to ranges of pay for other classes, relative difficulty and responsibility of positions in the class, availability of employees in particular occupational categories, prevailing rates of pay for similar employment in private establishments in the Tacoma area, rates of pay in other jurisdictions, cost-of-living factors, the financial policies of the City, and other economic considerations. The minimum and maximum and intermediate steps of each salary range shall be those rates in the basic salary schedule which most nearly reflect these factors.

Prior to the preparation of each biennial budget, as well as at other appropriate times, the City Manager and the Director of Utilities shall make or direct to be made, such comparative studies as they may deem necessary, of the factors affecting the level of salary ranges. On the basis of information derived from such studies, the City Manager and the Director of Utilities shall recommend to the City Council for approval such changes in the salary ranges as are pertinent to the fairness and adequacy of the overall salary structure. Such changes shall be accomplished by increasing or decreasing the salary ranges the appropriate number of ranges as provided in the basic salary schedule. The rate of pay for each employee shall be adjusted to the corresponding step in the new range in conformance with the adjustment of the salary range for the class.

Employees appointed to classifications designated as Class D or Class E by Section 1.12.080 are considered salaried employees. The hourly rates reflected in Section 1.12.355 are adopted for the administrative convenience in processing the payroll. There shall be no deduction for absences of less than one work day for Class D or Class E employees.

\* \* \*

### 1.12.080 Overtime compensation.

Overtime work shall include only that work performed by employees at the direction of a department head or his or her authorized representative which, as a part of a single tour of duty or by reason of a call back, exceeds the number of hours constituting the established workday, workweek, or special schedule for the class and for the department. A minimum of two hours shall be paid for overtime by reason of a call back.

Part-time employees will be eligible for overtime only when the number of hours in paid status in a workweek exceeds 40.

Specific overtime provisions contained in individual collective bargaining agreements are hereby incorporated.

The City Manager or the Director of Utilities, as the case may be, shall designate those classes of employment and conditions thereto for which overtime work will be compensated according to the following schedules.

Class A. Time and one-half cash compensation, equivalent compensatory time off or a combination thereof at the discretion of the Department Head, except for:

1. Double time cash compensation, equivalent compensatory time off or a combination thereof for Sundays for regular Monday through Friday workweeks or the seventh day, the Sunday equivalent, for five-day workweek special schedules or shifts.

2. Double time cash compensation, equivalent compensatory time off or a combination thereof for work on scheduled days off, starting with the second consecutive call back day for annual work schedules having variable shifts other than a five-day week.

Absent language in a collective bargaining agreement allowing compensatory time off in lieu of overtime pay, compensatory time off will be allowed only where agreed upon in writing prior to the overtime being worked. All such compensatory time off shall be scheduled so as to meet the operating requirements of the City and, as far as practicable, the preference of the employee.



In those instances where the overtime is compensated by time off and it has not been feasible to grant such time off after a period of 60 days, the employee may elect to be compensated in cash therefor. The accrual of compensatory time shall be covered by union contract if applicable; however, in no event shall employees accrue more than 240 hours of compensatory time.

On separation from City service, each employee shall receive cash compensation for all accrued compensatory time.

Class B. Time and one-half cash compensation for overtime.

Class C. Double time cash compensation for overtime.

Class D. No overtime compensation or compensatory time off.

Class E. No overtime compensation or compensatory time off except when assigned to work outside of normal work hours due to emergency situations, or as provided in a collective bargaining agreement.

Pursuant to Section 1.12.020 of the Compensation Plan, employees assigned to positions designated as Class D or Class E are considered to be salaried employees.

Cash reimbursements for meals or transportation resulting from having to work beyond regular hours, where such overtime work, and the reimbursement for the cost of meals or transportation thus incurred are approved in writing by the City Manager, the Director of Utilities, or by Labor Management contract agreements, as applicable.

All overtime work performed by employees that is subject to compensation shall be recorded on the payroll for the pay period in which it occurred.

\* \* \*

#### **1.12.200 Holidays with pay.**

##### **A. Holidays.**

1. The following are holidays for all full-time or part-time regular, probationary, project, temporary pending exam, or appointive employees of the City, except for certain employees of the Tacoma Belt Line Railway, as defined in Section 1.12.210, who are not eligible for holiday pay. Part-time employees shall receive holiday pay prorated based on the hours that he or she was hired to work. Such holidays are in conformance with the state of Washington as prescribed by RCW 1.16.050:

New Year's Day (January 1)

Martin Luther King Day (3rd Monday in January)

Presidents' Day (3rd Monday in February)

Memorial Day (last Monday in May)

Fourth of July (July 4)

Labor Day (1st Monday in September)

Veterans Day (November 11)

Thanksgiving Day (4th Thursday in November)

The Day Immediately Following Thanksgiving Day

Christmas Day (December 25)

2. Effective January 1, 1990, eEemployees shall receive a total of two paid floating holidays, in addition to those specified above, per calendar year, said days to be mutually agreed upon by employee and employer. To be eligible for said floating holidays, an employee must have been, or be scheduled to be, continuously employed by the City for more than four months as a full-time or part-time regular, probationary, project, temporary pending exam, or appointive employee during the calendar year of



entitlement. Part-time employees shall receive floating holiday pay prorated on the hours that he or she was hired to work. Employees retiring on May 1 or thereafter of each year shall be eligible for the floating holidays. Upon separation from the City service, an employee shall not be eligible for compensation for any unused floating holidays.

In addition, employees, as specified above, shall be granted such additional holidays as may be determined by the City Council from time to time by resolution or official proclamation.

23. The following are holidays for temporary employees after six months of continuous City service, except for certain employees of the Tacoma Belt Line Railway, as defined in Section 1.12.210, who are not eligible for holiday pay and except for temporary hiring-hall workers for whom benefits are administered through their unions.

New Year's Day (January 1)

Martin Luther King Day (3rd Monday in January)

Presidents' Day (3rd Monday in February)

Memorial Day (last Monday in May)

Fourth of July (July 4)

Labor Day (1st Monday in September)

Veterans Day (November 11)

Thanksgiving Day (4th Thursday in November)

The Day Immediately Following Thanksgiving Day

Christmas Day (December 25)

Temporary employees are not eligible for floating holidays.

B. An employee shall receive pay for the holiday provided he or she is in a paid status on both the regular scheduled work day immediately preceding the holiday and the regular scheduled work day immediately following the holiday; provided, however, for commissioned Police Department and Fire Department personnel who are covered by a collective bargaining agreement, an employee shall receive pay for the holiday provided he or she is in a paid status on either the regular scheduled work day immediately preceding the holiday or the regular scheduled work day immediately following the holiday; provided, that employees hired into a part-time status after January 1, 1983, shall receive holiday pay or time off in lieu thereof prorated based on the hours the employee was hired to work.

C. Time Off in Lieu of Holiday. Members of the Police Department and Fire Department services may be granted days off in lieu of holidays. Holidays or time off in lieu of holidays shall be scheduled so as to meet the operating requirements of the respective departments and, as far as practicable, the preferences of the employees. In the event time off in lieu of holidays has been scheduled for the end of the year and an employee is unable to use such days off in lieu of holidays due to continuous illness or disability, with a written request submitted to the Human Resources Department prior to the end of the calendar year in which the days off in lieu of holidays could not be used, such unused days off may be carried over for use in the following year. In order to meet necessary scheduling of personnel, the Police Department and Fire Department may permit their members to take time off in lieu of holidays in advance of the occurrence of the holiday; provided, that upon termination of the member who has been paid in advance for a holiday or holidays, such payments shall be deducted from any wages, vacation leave, or sick leave accrual payments to which the member would otherwise be entitled; or, in the event that there are no such payments due, the member shall repay the City such unearned advance holiday payments. Upon separation from the City service in good standing, a regular, probationary, project, temporary pending exam, or appointive employee shall be compensated for any unused holidays or days off in lieu thereof to which he or she is entitled as set forth in this section.



D. Holidays Falling on Saturday and Sunday. When one of the holidays listed in this section falls on a Saturday, the day preceding will be observed as a holiday with pay and when one of the holidays listed in this section falls on Sunday, the next day following will be observed as a holiday with pay.

E. Overtime Rate for Holiday Work. Employees who normally are scheduled to work on any of the above listed holidays, who are eligible for compensation for overtime work, shall, in addition to their regular holiday pay, be compensated either in compensatory time off or in cash, as the case may be, at the straight time rate for the actual hours worked, except as otherwise provided in a collective bargaining agreement; provided, that work in excess of the normal hours of their shift shall be compensated at their designated overtime rate. Employees whose functions do not normally require holiday work, required to work on a holiday and who are eligible for compensation for overtime work, shall, in addition to their regular holiday pay, be compensated either in compensatory time off or in cash, as the case may be, according to their designated overtime rate for the actual hours worked.

F. Rate of Pay for Holidays. Employees not required to work on holidays shall be paid for holidays at the rate he or she was receiving the day before the holiday.

G. Hours granted for holidays. Employees eligible for holiday pay, pursuant to this section, will receive compensation or time off for holidays based on a standard eight-hour work day or as provided in a collective bargaining agreement. Part-time employees receive time off for a holiday prorated on the number of hours that he or she was hired to work.

\* \* \*

#### **1.12.220 Vacation allowance with pay.**

A. Rate of Accrual of Vacation Leave.

1. Each regular, probationary, project, temporary pending exam, or appointive full-time employee shall accrue vacation leave hours for each biweekly pay period in which he or she has been in a paid status pursuant to the following schedule based on aggregate City service.

Completed Years of Aggregate Service	No. of 8-Hour Days per Year	Hours Earned per Pay Period <sup>1</sup>
Completion of years 0, 1, 2, 3	12	3.69
Completion of years 4, 5, 6, 7	15	4.60
Completion of years 8, 9, 10, 11, 12, 13	17	5.22
Completion of years 14, 15, 16, 17, 18	20	6.14
Completion of 19 years	21	6.45
Completion of 20 years	22	6.76
Completion of 21 years	23	7.07
Completion of 22 years	24	7.38
Completion of 23 years	25	7.69
Completion of 24 years	26	8.00
Completion of 25 years	27	8.31
Completion of 26 years	28	8.62
Completion of 27 years	29	8.93
Completion of 28 years or more	30	9.24

Vacation accruals based on tenure shall be credited at the first of the calendar year in which any of the above periods of aggregate City service will be completed. Eligibility for tenure-based vacation accruals shall be determined by the length of aggregate service with the City. The applicable accrual rate shall be determined as of January 1 of each calendar year and shall be based on the rate applicable to the number of years of aggregate service<sup>2</sup> the employee will complete within that calendar year. For example, on

<sup>1</sup> The Per Pay Period figure is based on a biweekly payroll schedule.

<sup>2</sup> See TMC 1.12.075 for the definition of "aggregate service."



January 1, an employee who will complete four years of aggregate service with the City within that calendar year will begin to accrue vacation leave at a rate of 4.60 hours per pay period.

2. An eligible employee shall accrue vacation based on the above schedule beginning from the date of his or her appointment.

3. Vacation accrual balances shall not exceed an amount equal to two years' accrual.

In the event an employee is unable to use his or her vacation prior to exceeding the two-year limitation because of continued illness, with a written request submitted to the Human Resources Department, such unused days may be allowed to accumulate until the employee returns to work or is separated. Vacation in excess of two years' accrual, if not taken within 90 calendar days after an employee returns to work, shall be forfeited.

4. For purposes of this section, permanent employees of the Municipal Belt Line Railway assigned to the Extra Board will be considered as full-time employees.

#### B. Permissible Use of Vacation Accruals with Pay.

1. Vacation leave may not be taken without the prior approval of the appointing authority and may not be taken in the pay period in which it was earned. Vacation leave shall be scheduled so as to meet the operating requirements of the City and, as far as practicable, the preferences of the employees.

2. Pursuant to RCW 49.12.270, effective January 1, 2003, vacation accruals may be used to care for: (a) a child of the employee with a health condition that requires treatment or supervision; or (b) a spouse, parent, parent-in-law, or grandparent of the employee who has a serious health condition or an emergency condition.

(1) "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is: (a) Under 18 years of age; or (b) 18 years of age or older and incapable of self-care because of a mental or physical disability.

(2) "Grandparent" means a parent of a parent of an employee.

(3) "Parent" means a biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.

(4) "Parent-in-law" means a parent of the spouse of an employee.

(5) "Spouse" means a ~~husband or wife, as the case may be~~ person legally married to a City employee and for purposes of this section includes an individual registered as the employee's domestic partner under state law or City policy.

For a period of illness or disability, employees who, at their option, elect to use vacation leave shall remain on vacation leave until exhausting such leave, returning to work, or being placed on leave without pay.

3. Vacation leave shall be taken in full hourly increments.

#### C. Payment for Vacation.

1. An employee, when leaving the service of the City, shall be compensated for vacation leave earned and accrued to the date of separation at the rate for the classification in which he or she was working in on the date of separation.

2. An employee shall be paid for vacation leave at the rate of pay he or she was receiving the day before the vacation leave is taken.

\* \* \*

#### **1.12.230 Sick allowance with pay.**

A. Eligibility for Sick Leave. The following provisions, unless otherwise specified, apply to all regular, probationary, project, temporary pending exam, or appointive full-time employees except those



employees of the Tacoma Municipal Belt Line Railway set forth in Section 1.12.231 and members of the Police and Fire Departments covered by RCW 41.26 (LEOFF I Pension System) set forth in Section 1.12.232.

1. Accrual. Regular, probationary, project, temporary pending exam, or appointive full-time employees shall accrue sick leave at the rate of 3.69 hours for each 80 hours in which he or she is in paid status. Eligible employees who are on leave of absence for active duty training or for inductive purposes shall accrue sick leave.

a. Sick leave earned shall be credited to an employee's accruals after the completion of each biweekly pay period and may not be used in the pay period earned.

b. For purposes of this section, eligible permanent employees of the Municipal Belt Line Railway assigned to the Extra Board will be considered as full-time employees.

2. Permissible Use of Paid Sick Leave.

a. Sick leave may be taken in tenths (0.10) of an hour increments.

b. Injury or illness of employee to such extent as to constitute a hazard to the safety or health of himself or herself or other employees.

c. Medical or dental care for the employee. Supervisors should attempt to accommodate appointments for care. Employees should attempt to schedule such appointments to minimize disruption to work.

d. Quarantine of employee due to exposure to a contagious disease.

e. On-the-job injuries during the first three days if not eligible for Workers' Compensation and as a supplement to Workers' Compensation after the 120-day supplementary on-the-job injury benefits provided under Section 1.12.090.

f. Death of a spouse, father, mother, foster parent, brother, sister, child, foster child, grandparents, or grandchildren of employee or relatives of the spouse of the employee in the same categories of relationship subject to the requirements of subsection B.5. hereinafter set forth.

g. Employees working shifts other than the regular Monday through Friday workweek shall be paid holiday pay plus paid sick leave when scheduled to work on a holiday and they are unable to work due to illness or injury. Such employees, when not scheduled to work on a holiday, shall not be entitled to paid sick leave therefor.

h. Preinduction physical for service in the Armed Forces.

i. Illness or disability due to pregnancy or conditions related thereto.

j. Pursuant to RCW 49.12.270, effective January 1, 2003, sick leave may be used to care for: (a) a child of the employee with a health condition that requires treatment or supervision; or (b) a spouse, parent, parent-in-law, or grandparent of the employee who has a serious health condition or an emergency condition, both (a) and (b) are subject to the requirements of subsection B.3 hereinafter set forth. For purposes of this section, the following definitions apply:

(1) "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is: (a) Under 18 years of age; or (b) 18 years of age or older and incapable of self-care because of a mental or physical disability.

(2) "Grandparent" means a parent of a parent of an employee.

(3) "Parent" means a biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.

(4) "Parent-in-law" means a parent of the spouse of an employee.



(5) "Spouse" means a ~~husband or wife, as the case may be~~ person legally married to a City employee and for purposes of this section includes an individual registered as the employee's domestic partner under state law or City policy.

B. Requirements for All Paid Sick Leave.

1. Every employee must report to the designated representative of his or her department head the reason for an absence prior to the beginning of his or her scheduled workday or such earlier time as required by his or her department or division head.

2. An employee must keep his or her department head informed of his or her condition if an absence is of more than four working days in duration.

3. For each absence an employee may be required to submit an explanation of the reason for such absence. A statement by the attending physician attesting to the nature and seriousness of said injury or illness shall be required if requested by the department head.

4. Employee must permit home visits or medical examinations at the expense and convenience of the City.

5. a. Upon approval by the department head, a maximum of four days' sick leave may be granted for the death of spouse, father, mother, foster parent, brother, sister, child, or foster child of the employee.

b. For the purpose of attending the funeral, upon approval by the department head, a maximum of one day's sick leave may be granted for the death of grandparent, grandchild, son-in-law, daughter-in-law, brother-in-law, or sister-in-law of the employee or the death of a father, mother, foster parent, brother, sister-in-law, sister, sister-in-law, child, foster child, grandparent, or grandchild of the spouse of the employee.

i. An employee in a classification represented by the Tacoma Firefighters Union, Local 31, will be allowed to take up to two full shifts (or 4 eight-hour days) of City paid leave in order to attend a funeral of a family member, as defined in subsection b above.

6. An employee shall be paid for sick leave at the rate he or she was receiving the day before the sick leave was taken.

7. Employees shall accrue sick leave according to the provisions of this section; provided, however, that any employee who leaves the City service during the first six months of employment shall not be compensated for any accrued sick leave.

C. Enforcement of Sick Leave Provisions.

1. Misrepresentation of any material facts in connection with paid sick leave by any employee shall constitute grounds for suspension or discharge.

2. It shall be the responsibility of the department head or his or her designated representative to:

a. Review all applications for sick leave and approve those which are bona fide and comply with the provisions of this section. Employees still absent at the end of a pay period may be certified for payment of sick leave by the department head by his or her signing the payroll timecards, subject to department head's approval for sick leave pay immediately upon the employee's return to work.

b. Investigate any suspected abuse of sick leave.

c. Withhold approval of sick leave pay in the event of unauthorized use.

d. Initiate disciplinary action if, as a result of investigation, it is determined that an employee has been guilty of willful misrepresentation in a request for sick leave pay.

D. Incentive Payments for Nonuse of Sick Leave Accruals.

1. An employee separated from the City service due to death or retirement for disability or length of service with attendant pension payments under any City employee pension system who does not qualify



for a VEBA deposit under TMC Section 1.12.229 shall be compensated at a rate for the classification in which he or she was working on the date of separation to the extent of 25 percent of his or her sick leave accruals.

2. A regular, project, temporary pending exam, or appointive employee separated in good standing from the City service for any other reason than death or retirement due to disability or length of service with attendant pension payments under any City employee pension system pursuant to Section 1.12.229 who has a minimum of 10 days accrual shall be compensated at a rate for the classification in which he or she was working on the date of separation to the extent of 10 percent of his or her sick leave accruals up to a maximum accrual of 120 days. An employee separated from the City service due to layoff may, upon reemployment from the eligible list or departmental reemployment list upon which placed as provided in Section 1.24.900, have his or her sick leave accrual restored upon repayment to the City of the 10 percent payment as herein provided. If appointed from other employment lists within the two-year period of eligibility, such repayment may also apply.

E. Authorization – Police and Fire Disability Payments. Certification for payment for absences due to injury or illness covered by the State of Washington Police or Fire Pension Acts shall not be made by the Human Resources Director until authorization is received from the appropriate Pension Board.

**1.12.231 Sick allowance with pay – Locomotive Engineer, Railway Switch Operator, Railway Switching Supervisor, and Railway Yardmaster.**

The following provisions apply to permanent full-time or permanent Extra Board employees of the Tacoma Municipal Belt Line Railway in the classifications of Locomotive Engineer, Railway Switch Operator, Railway Switching Supervisor and Railway Yardmaster.

A. Each regular full-time, probationary or permanent Extra Board employee shall accrue sick leave at the rate of 3.69 hours for each biweekly pay period in which he/she has any regular time for which regular pay will be received. Eligible employees who are on a leave of absence for active duty training or for inductive purposes shall accrue sick leave. Sick leave shall be credited to an employee's accruals after the completion of each biweekly pay period and may not be used in the pay period earned. There shall be no limit on sick leave accruals.

B. Sickness benefits shall be equal to 100 percent of the employee's regular basic daily rate; provided, that if the employee has served in higher or lower positions on temporary appointments, benefits shall be computed on the pay rate appropriate to the class of position that the employee has worked on for the majority of time in the six-month period immediately prior to the effective date of the sick leave taken.

C. Where the benefits under this section supplement an allowance from the Railroad Retirement Board, the combined total of such supplemental benefits and the allowance received from the Railroad Retirement Board for any one day shall not exceed 100 percent of the appropriate basic daily rate. An employee who forfeits any allowance from the Railroad Retirement Board because of failure to timely file for such benefits shall also forfeit any benefits he or she would otherwise be entitled to under this section.

The City will pay the employee 100 percent of his or her basic daily rate, including benefits received from the Railroad Retirement Board and the employee upon receipt of those benefits shall endorse and turn over to the Belt Line Railway moneys received. Failure to comply with this provision shall be cause for forfeiture of all benefits under this provision, including moneys and hours. Flagrant violations of this provision could be cause for disciplinary action. Employees paid in advance, under the provisions of this section and failing in their responsibility that causes forfeiture of benefits, shall be liable to repay to the City moneys received.

D. Pursuant to RCW 49.12.270, effective January 1, 2003, sick leave may be used to care for: (a) a child of the employee with a health condition that requires treatment or supervision; or (b) a spouse, parent, parent-in-law, or grandparent of the employee who has a serious health condition or an emergency condition. In the event of any such absence, a statement by the attending physician attesting to the nature



and seriousness of said injury or illness shall be required if requested by the Superintendent. For purposes of this section, the following definitions apply:

(1) "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is: (a) Under 18 years of age; or (b) 18 years of age or older and incapable of self-care because of a mental or physical disability.

(2) "Grandparent" means a parent of a parent of an employee.

(3) "Parent" means a biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.

(4) "Parent-in-law" means a parent of the spouse of an employee.

(5) "Spouse" means a ~~husband or wife, as the case may be~~ person legally married to a City employee and for purposes of this section includes an individual registered as the employee's domestic partner under state law or City policy.

E. An employee separated from the City service due to death or retirement for disability or length of service under Railroad Retirement Pension with attendant pension payments, who does not qualify for a VEBA deposit under Section 1.12.229, shall be compensated to the extent of 25 percent of his or her sick leave accruals. A permanent employee separated in good standing from the City service for any other reason than death or retirement shall be compensated to the extent of 10 percent of his or her sick leave accruals up to a maximum accrual of 120 days.

F. Benefits under this section apply to nonoccupational injury or bona fide sickness of organic origin and of sufficient severity to disable the employee; provided, that such nonoccupational injury or sickness was not caused by the use of drugs or intoxicants, recklessness, gross negligence, or any act contrary to law.

G. In order to be granted benefits under this section, the employee must report to the proper authority the reason for the absence and keep the Superintendent informed of his or her condition, as appropriate. The Superintendent must be satisfied that the reason for the absence is legitimate, and satisfactory evidence, including a verifying certificate of inability to work from a reputable physician, may be required.

H. Bereavement leave of up to four working days will be allowed in case of employee's spouse, father, mother, foster parent, grandparent, grandchild, brother, sister, child, or foster child, or spouse's parent, brother, sister or grandparent. Each working day of such leave will be paid at the employee's regular basic daily rate; provided, that if the employee has served in higher or lower positions on temporary appointments, benefits shall be computed on the pay rate appropriate to the class or position that the employee has worked on for the majority of time in the six-month period immediately prior to the effective date of the sick leave taken. Bereavement leave may be charged against the employee's sick leave accruals, if any. Employees must notify the Superintendent prior to taking bereavement leave.

I. Enforcement of Sick Leave Provisions.

1. Misrepresentation of any material facts in connection with paid sick leave by any employee shall constitute grounds for suspension or discharge.

2. It shall be the responsibility of the Superintendent or his or her designated representative to:

a. Review all applications for sick leave and approve those which are bona fide and comply with the provisions of this section. Employees still absent at the end of a pay period may be certified for payment of sick leave by the Superintendent by his or her signing the payroll timecards, subject to the Superintendent's approval for sick leave pay immediately upon the employee's return to work.

b. Investigate any suspected abuse of sick leave.

c. Withhold approval of sick leave pay in the event of unauthorized use.

d. Initiate disciplinary action if, as a result of investigation, it is determined that an employee has been guilty of willful misrepresentation in a request for sick leave pay.



**1.12.232 Sick allowance with pay – LEOFF I Police and Fire personnel.**

It is the policy of the City of Tacoma to pay its employees on account of sickness or accident disability in accordance with the provisions set forth herein.

A. Eligibility for Sick Leave. The following provisions shall apply to all regular, probationary, or appointive Police and Fire employees covered by RCW 41.26 (LEOFF I Pension System).

1. Accrual. Regular, probationary, or appointive full-time employees shall accrue sick leave at the rate of 3.69 hours for 80 hours in which he or she is in paid status. Eligible employees who are on a leave of absence for active duty training or for inductive purposes shall accrue sick leave.

a. Sick leave earned shall be credited to an employee's accruals after the completion of each biweekly pay period and may not be used in the pay period earned.

2. Use of Paid Sick Leave.

a. Sick leave may be taken in tenths (0.10) of an hour increments.

b. In all cases when eligible, employees shall be placed on leave pursuant to RCW 41.26 and shall not be eligible to be paid for sick leave for an absence when there is eligibility to be paid for leave under RCW 41.26; however, without regard to payment:

(1) When such leave is determined to be not job-connected, the sick leave accruals shall be debited hour-for-hour for time absent from the scheduled shift;

(2) When such leave is determined to be job-connected, sick leave shall be debited for the date of injury and up to three days when the disability leave is less than 15 calendar days;

(3) If the job-connected leave exceeds 15 calendar days but less than 120 work days, sick leave shall be debited for the day of injury only. If the job-connected disability leave exceeds 120 work days, sick leave shall be debited one-half day for every work day missed in excess of 120 work days;

(4) If the officer who is on leave is not able to return to work at the end of the disability leave pursuant to RCW 41.26, that person shall be retired and paid off for any unused sick leave as provided herein. In no such event shall an officer be placed on sick leave.

c. Death of a spouse, father, mother, foster parent, brother, sister, child, foster child, grandparents or grandchildren of employee or relatives of the spouse of the employee in the same categories of relationship subject to the requirements of subsection B.6. hereinafter set forth.

d. Pursuant to RCW 49.12.270, effective January 1, 2003, sick leave may be used to care for: (a) A child of the employee with a health condition that requires treatment or supervision; or (b) a spouse, parent, parent-in-law, or grandparent of the employee who has a serious health condition or an emergency condition, both (a) and (b) are subject to the requirements of subsection B.3 hereinafter set forth. For the purposes of this section, the following definitions apply:

(1) "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is: (a) Under 18 years of age; or (b) 18 years of age or older and incapable of self-care because of a mental or physical disability.

(2) "Grandparent" means a parent of a parent of an employee.

(3) "Parent" means a biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.

(4) "Parent-in-law" means a parent of the spouse of an employee.

(5) "Spouse" means a ~~husband or wife, as the case may be~~ person legally married to a City employee and for purposes of this section includes an individual registered as the employee's domestic partner under state law or City policy.

e. Pre-induction physical for service in the Armed Forces.



B. Requirements for All Paid Sick Leave.

1. Every employee must report to the designated representative of his or her department head the reason for an absence prior to the beginning of his or her scheduled workday or such earlier time as required by his or her department or division head.
2. An employee must keep his or her department head informed of his or her condition if an absence is of more than four working days in duration.
3. For each absence an employee may be required to submit upon the approved form an explanation of the reason for such absence. A statement by the attending physician attesting to the nature and seriousness of said injury or illness is required if an absence extends beyond four working days, or for each absence, if requested by the department head.
4. Employee must permit home visits or medical examinations at the expense and convenience of the City.
5. a. Upon approval by the department head a maximum of four days' sick leave may be granted for the death of a spouse, father, mother, foster parent, brother, sister, child or foster child of employee.  
b. For the purpose of attending the funeral, upon approval by the department head, a maximum of one day's sick leave may be granted for the death of a grandparent, grandchild, son-in-law, daughter-in-law, brother-in-law, or sister-in-law of the employee or the death of father, mother, foster parent, brother-in-law, sister, sister-in-law, child, foster child, grandparent, or grandchild of the spouse of the employee.
6. An employee shall be paid for sick leave at the rate he or she was receiving the day before the sick leave was taken.
7. Employees shall accrue sick leave according to the provisions of this section; provided, that any employee who leaves the City service during the first six months of employment shall not be compensated for any accrued sick leave.

C. Enforcement of Sick Leave Provisions.

1. Misrepresentation of any material facts in connection with paid sick leave by any employee shall constitute grounds for suspension or discharge.
2. It shall be the responsibility of the department head or his or her designated representative to:
  - a. Review all applications for sick leave and approve those which are bona fide and comply with the provisions of this section. Employees still absent at the end of a pay period may be certified for payment of sick leave by the department head by his or her signing the payroll timecards, subject to department head's approval for sick leave pay immediately upon the employee's return to work.
  - b. Investigate any suspected abuse of sick leave.
  - c. Withhold approval of sick leave pay in the event of unauthorized use.
  - d. Initiate disciplinary action if, as a result of investigation, it is determined that an employee has been guilty of willful misrepresentation in a request for sick leave pay.

D. Incentive Payments for Nonuse of Sick Leave Accruals.

1. An employee separated from the City service due to death or retirement for disability or length of service with attendant pension payments under any City employee pension system, who does not qualify for a VEBA deposit under TMC Section 1.12.229, shall be compensated at the rate in effect at the time of retirement, for the classification in which he or she was working in on the date of separation to the extent of 25 percent of his or her sick leave accruals.
2. A regular or appointive employee separated in good standing from the City service for any other reason who has a minimum of 10 days accrual shall be compensated at his or her regular classification rate of pay to the extent of 10 percent of his or her sick leave accruals up to a maximum accrual of 120 days. An employee separated from the City service due to layoff may, upon reemployment from the eligible list or



departmental reemployment list upon which placed as provided in Section 1.24.900, have his or her sick leave accrual restored upon repayment to the City of the 10 percent payment as herein provided. If appointed from other employment lists within the two-year period of eligibility, such repayment may also apply.

3. Sick leave accruals for each Police and Fire service employee shall be redetermined as of April 30, 1989. Such accruals shall be redetermined by charging all illness and injury claims, arising after March 1, 1970, other than claims for which leave under RCW 41.26 could have been used against sick leave credits in the same manner as charged against other employees of the City. These sick leave accruals are available to be drawn on for required sick leave pursuant to this chapter and are included under the incentive payment plan referred to in D.1, above.

4. Such Police and Fire service employees shall have their sick leave accruals and charges against sick leave determined in the manner set forth in this chapter, irrespective of any benefits to which the Police and Fire service employees are entitled by state and federal law, as of April 30, 1989.

E. Authorization – Police and Fire Disability Payments. Certification for payment for absences due to injury or illness covered by the State of Washington Police or Fire Pension Acts shall not be made by the Human Resources Director until authorization is received from the appropriate Pension Board.

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#### **1.12.248 Personal Time Off plan.**

A. Rate of accrual of Personal Time Off.

1. Effective at the beginning of the first pay period starting in June 1998, each unrepresented regular, probationary, project, temporary pending exam, or appointive full-time employee hired after June 1, 1998, represented employees as provided for in a collective bargaining agreement, and unrepresented employees who elect to transfer from their present vacation and sick leave plans to the Personal Time Off (“PTO”) plan during a designated enrollment period shall accrue PTO hours for each biweekly pay period in which he or she has been in paid status, pursuant to the following schedule based on aggregate City service. The PTO plan is in lieu of vacation and sick leave plans.

Completed Years of Aggregate Service	No. of 8-Hour Days per Year	Hours per Pay Period <sup>3</sup>
Completion of years 0, 1, 2, 3	18	5.54
Completion of years 4, 5, 6, 7	21	6.46
Completion of years 8, 9, 10, 11, 12, 13	23	7.08
Completion of years 14, 15, 16, 17, 18	26	8.00
Completion 19 years	27	8.31
Completion of 20 years	28	8.62
Completion of 21 years	29	8.92
Completion of 22 years	30	9.23
Completion of 23 years	31	9.54
Completion of 24 years	32	9.85
Completion of 25 years	33	10.15
Completion of 26 years	34	10.46
Completion of 27 years	35	10.77
Completion of 28 years or more	36	11.08

2. Employees shall accrue PTO prorated on the number of hours in paid status in each pay period. The appropriate biweekly accrual shall be credited for each biweekly pay period in which the employee is in paid status. PTO accruals based on tenure shall be credited at the first of the calendar year in which any of

<sup>3</sup> The Per Pay Period figure is based on a biweekly payroll schedule.



the above periods of aggregate service<sup>4</sup> will be completed. The applicable accrual rate shall be determined as of January 1 of each calendar year and shall be based on the rate applicable to the number of years of aggregate service the employee will complete within that calendar year. For example, on January 1, an employee who will complete four years of aggregate service with the City within that calendar year will begin to accrue Personal Time Off at a rate of 6.46 hours per pay period.

3. No employee shall earn more PTO in any one calendar year than the above stipulated days and new employees shall accrue PTO based on the above schedule beginning from the date of his or her appointment; provided, however, that an incoming City Manager may be credited with such PTO as the City Council may direct.

4. PTO earned shall be credited to an employee's accruals after the completion of each biweekly pay period and may not be used in the pay period earned.

B. Permissible use of PTO accruals.

1. Use of PTO. PTO may be taken in tenths (0.10) of an hour increments.

2. Planned Use of PTO. PTO requests may be required in writing and the appointing authority, or his or her designee, shall consider the request and shall approve or deny it.

3. Unplanned Use of PTO.

a. PTO may be used without prior approval for employee or family emergencies. If an advance written request is not possible, the employee shall notify his or her supervisor of the need for and the request of the time off prior to the beginning of his or her shift. An employee must keep his or her department head informed of his or her condition if unplanned use of PTO is of more than four working days in duration. Unplanned use of PTO which interferes with job performance or City operations may subject the employee to corrective action.

b. Unplanned PTO may be used for on-the-job injuries during the first three days if not eligible for Workers' Compensation and after the 120-day supplementary on-the-job injury benefits provided in Section 1.12.090 of the Tacoma Municipal Code.

4. Pursuant to RCW 49.12.270, effective January 1, 2003, an employee is allowed to use any or all of the employee's choice of sick leave or PTO to care for: (a) a child of the employee with a health condition that requires treatment or supervision; or (b) a spouse, parent, parent-in-law, or grandparent of the employee who has a serious health condition or an emergency condition. For purposes of this section, the following definitions apply:

(a) "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is: (a) Under 18 years of age; or (b) 18 years of age or older and incapable of self-care because of a mental or physical disability.

(b) "Grandparent" means a parent of a parent of an employee.

(c) "Parent" means a biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.

(d) "Parent-in-law" means a parent of the spouse of an employee.

(e) "Spouse" means a ~~husband or wife, as the case may be~~ person legally married to a City employee and for purposes of this section includes an individual registered as the employee's domestic partner under state law or City policy.

5. Permissible Cash-out of Accrued PTO.

a. An employee must have been enrolled in the Personal Time Off (PTO) plan for the entire calendar year (January 1 to December 31) prior to requesting a cash-out payment of PTO pursuant to this section.

<sup>4</sup> See 1.12.075 for the definition of "aggregate service."



b. An employee who uses no more than the equivalent of two work days (regardless of length of scheduled shift) of unplanned PTO in any one calendar year (January 1 to December 31), but who has used less than 80 hours of planned PTO during the same calendar year, may, in January of the following year, submit in writing, on the form provided by and available in the Human Resources Department, a request for a payment equal to 90 percent of the cash value of up to 40 hours of accrued PTO.

c. An employee who uses no more than the equivalent of two work days (regardless of length of scheduled shift) of unplanned PTO in any one calendar year (January 1 to December 31) and who uses at least 80 hours of planned PTO during the same calendar year may, in January of the following year, submit in writing, on the form provided by and available in the Human Resources Department, a request for a payment equal to 90 percent of the cash value of up to 80 hours of accrued PTO.

d. For any request submitted pursuant to subsections b or c above, the cash value of the PTO shall be based on the rate for the classification in which the employee is working at the time the request is made. The 10 percent balance of the cash value not so paid under subsection b or c set forth above shall be paid into the Employee Benefit Trust Fund.

6. An employee shall be paid for PTO leave at the rate of pay he or she was receiving the day before the PTO leave is taken.

#### C. Maximum accrual of PTO.

1. Each employee may accrue a maximum of 960 hours of PTO.

2. If the appointing authority, or his or her designee, denies an employee's request for PTO and the denial would result in the employee's accrual exceeding the maximum allowed, the employee shall not lose the accrual at that time. The employee shall have up to 90 days to use the excess accrual.

#### D. Compensation upon separation from City service.

1. An employee separated from the City service due to death or retirement based on disability or length of service with attendant pension payments under any City employee pension system, who does not qualify for a VEBA deposit under TMC Section 1.12.229, shall be compensated the full amount of the PTO accruals up to the maximum of 960 hours at the rate for the classification in which he or she was working in on the date of separation.

2. Upon separation from City service for any reason other than death or retirement based on disability or length of service, the City shall pay an employee the full amount of the PTO accruals up to the maximum of 960 hours at the rate for the classification in which he or she was working in on the date of separation.

Employees converting to the PTO plan who currently have vacation accruals will have those accruals converted to PTO on an hour for hour basis (1:1).

E. Conversion of sick leave accruals. Employees converting to the PTO plan who currently have sick leave accruals must specify one of the following options: (1) placing accruals in a sick leave bank; (2) converting accruals to PTO; or (3) a combination thereof, as set forth below.

##### 1. Sick Leave Bank.

a. Accrued sick leave as of the last pay period, after a designated enrollment period, may be placed into a sick leave bank.

b. Use of Sick Leave Bank. An employee may choose to use sick leave from this bank for any reason specified in Sections 1.12.230 and 1.12.232 of the Tacoma Municipal Code, after an absence of more than three consecutive days.

c. Depletion of Sick Leave Bank. Employees do not accrue any additional sick leave after the conversion to the PTO plan. Once the sick leave is used from the sick leave bank, the leave used shall not be replenished.

d. Cash Out of Sick Leave Bank.



(i) Separation from City service due to death or retirement for disability or retirement based on length of service shall be compensated to the extent of 25 percent of an employee's sick leave accrual in his or her sick leave bank at the rate for the classification in which he or she was working in at the date of separation subject to the provisions of Section 1.12.229 of the Tacoma Municipal Code (VEBA).

(ii) Separation in good standing from City Service for any other reason shall be compensated to the extent of 10 percent of an employee's sick leave accruals up to a maximum of 120 days at the rate for the classification in which he or she was working in at the date of separation.

2. Conversion of Sick Leave to PTO. An employee who converts to PTO during a designated enrollment period may elect to convert sick leave accruals as of the last pay period after a designated enrollment period to PTO using a ratio of 24 hours of sick leave to 8 hours of PTO (3:1) up to a combined (current vacation accruals and converted sick leave) maximum of 720 hours of PTO.

3. Combination. An employee may elect to convert some, but not all, of his or her sick leave to PTO. Any sick leave not specifically converted during a designated enrollment period will be placed in a sick leave bank as set forth above.

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#### **1.12.265 Leave Without Pay.**

A. The appointing authority, with the approval of the Human Resources Director, may mandate or allow the use of leave without pay by nonrepresented employees, in order to address a budget crisis. An employee who takes such leave without pay on a work day immediately preceding or immediately following one of the holidays with pay set forth in Section 1.12.200 A., will remain entitled to holiday pay, notwithstanding Sections 1.12.200 B., 1.12.140 B., and 1.12.210 B. and C. Further, such leave without pay will not affect an employee's sick leave accrual rate, notwithstanding Sections 1.12.230 A.1, 1.12.140 B., and 1.12.232 A.1.

B. In accordance with City policy and RCW 1.16.050, as now stated and as hereafter amended, employees are entitled to two (2) unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church or religious organization. Employees may select the days on which they would like to take the unpaid holiday(s), after consultation with his or her supervisor as provided by City policy. An unpaid holiday requested pursuant to City policy may be denied if the employee's absence would unduly disrupt operations, impose an undue hardship on the City, or the employee is necessary to maintain public safety. The two unpaid holidays do not carry over from one calendar year to the next.

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#### **1.12.345 Employee recognition.**

The City hereby adopts the following awards programs in recognition of service by officers and employees of the City in accordance with the following rules and regulations:

A. Length of Service. An award may be given to an officer or employee who has completed aggregate City service equal to 10, 15, 20, 25, 30, 35, and 40 years respectively on or after January 1, 1986. In addition to the recognition award, the officer or employee may be awarded an appropriately worded certificate signed by the Mayor and the City Manager or the Director of Utilities, as the case may be. Awards shall be presented as close as possible to the first of each year.

The administration of this program shall be the responsibility of the Human Resources Director.

B. Outstanding Service.

1. The Human Resources Department may establish programs in recognition of outstanding service by employees and may provide appropriate recognition, including a certificate and/or other items of nominal value, or an employee may be granted up to four incentive days per year. "Incentive day" means a day which is available for use and is administered in the same way as a floating holiday, as set forth in Tacoma Municipal Code Sections 1.12.200 and 1.12.210.



2. Expenditures, pursuant to this section, shall constitute additional compensation to the individual recipients of such award over and above that specified elsewhere in this chapter.

C. Employee Incentive Program. The Department of Public Utilities may reward an incentive bonus to its eligible participating employees for their contribution to the achievement of department goals. The bonus would be one incentive day for achieving 51 percent to 65 percent of department goals, two incentive days for 66 percent to 80 percent achievement, three incentive days for 81 percent to 99 percent, and a maximum of four incentive days for meeting all stated goals. The program year will be January 1 through December 31 with reward occurring at the end of January of the following year. For the purposes of this section, the following words shall mean:

1. "Achievement of department goals" means the determination by the Director of Utilities after reporting to the Public Utility Board that the strategic plan or other goals that have been promulgated in writing by the Director by March 31 of the program year have been substantially satisfied.

2. "Eligible participating employee" means a City employee that:

a. Is an employee of or works for the Department of Public Utilities and has been at said status for at least six months prior to December 31 of the program year; and

b. Has not had any days of disciplinary suspension during the program year.

3. "Incentive day" means a day which is available for use and is administered in the same way as a floating holiday, as set forth in Sections 1.12.200 and 1.12.210, or equivalent cash in lieu thereof.

~~D. Tacoma Police Department 2008 Hiring Incentive Program.~~

~~1. Employees who are hired under this program as a Lateral Entry Police Officer shall be eligible to receive hiring and relocation incentives to be paid in accordance with the program, with hiring incentives limited to \$7,000 per employee, a maximum of 40 hours of paid leave, and \$2,500 in relocation expenses.~~

~~2. Tacoma Police Department employees who recruit a lateral hire Police Officer under this program shall be granted two (2) incentive days off with pay, so long as the lateral hire successfully completes the hiring process.~~

~~3. In order to be eligible for any component of the foregoing hiring incentive program, lateral hire applications must be received no later than December 31, 2008.~~

~~4. The 2008 Tacoma Police Department Hiring Incentive Program will be effective January 1, 2008 through December 31, 2008.~~

D. Wellness Program. Employees may be eligible for financial and/or other incentives for participation and achievement of goals as determined by the Wellness Committee.

\* \* \*

**1.12.640 Application of additional rates.**

\* \* \*

0601 A Meter Reader (CSC 0601), when assigned by his or her supervisor to training functions for a minimum of four hours, shall receive a 10 percent differential above his or her regular rate of pay.

0601 A Meter Reader (CSC 0601), when assigned to lead functions, shall receive a 10 percent application of rate above his or her regular rate of pay.

0602 A Utilities Field Investigator (CSC 0602) when assigned by his or her supervisor to training functions for a minimum of four hours shall receive a five percent differential above his or her regular rate of pay.

0602 A Utilities Field Investigator (CSC 0602), when assigned to lead functions, shall receive a 10 percent application of rate above his or her regular rate of pay.

\* \* \*



0798 The classification of Project Software Engineer (CSC 0798) receives pay and benefits as outlined in City Council Resolution No. 35289, adopted September 25, 2001.

\* \* \*

5068 When in an on-call status, a Water ~~Transmission~~ Supply Supervisor (CSC 5068) shall be compensated for 1 (one) hour at the overtime rate for the first emergency call not requiring a return to headquarters or the work site. Subsequent calls after the first hour of paid time shall be paid at the overtime rate for the actual time spent to handle the call, as provided for in the collective bargaining agreement.

5097 An employee in the classification of Biosolids Supervisor (CSC 5097) that receives the Master Gardener Certification and/or the Washington Organic Recycling Compost Certification shall receive certification pay of 2.5 percent for each certification.

\* \* \*

5100 An employee in the classification of Biosolids Coordinator (CSC 5100) ~~shall be eligible to receive non-automatic steps 6 and 7 when assigned in writing to oversee the activities, functions, and employees of the Biosolids section; and also be responsible for new product development, marketing and sales of Biosolids products; and improving performance standards;~~ that receives the Master Gardener Certification and/or the Washington Organic Recycling Compost Certification shall receive certification pay of 2.5 percent for each certification.

\* \* \*

~~7111 A Locomotive Engineer, who has an employment relationship as of January 1, 2013, and qualifies pursuant to the conditions contained in the collective bargaining agreement, shall share in a one-time ratification payment of \$80,000 based on the total number of regular straight time hours worked by all locomotive engineers during the qualifying period of January 1, 2012, through December 31, 2012.~~

\* \* \*

~~L17 The employee in the classification of Animal Control Compliance Supervisor (CSC 5361), shall receive a uniform cleaning allowance for 2007, 2008, 2009 and 2010 as of the date of ratification of the 2011 – 2014 collective bargaining agreement.~~

L17 An employee in the classification of Building Inspector (CSC 2101), Code Inspector Supervisor (CSC 2102), Mechanical Inspector (CSC 2119) or Senior Inspector (CSC 2122) holding the applicable ICC certification for their assigned discipline and one additional ICC certification shall receive five percent above his/her base rate of pay, commencing with the ratification of the 2011 – 2014 collective bargaining agreement, and will sunset on December 31, ~~2012~~ 2014.

~~L17 An employee in a classification represented by the Professional and Technical Employees, Local 17, will receive a one time, lump sum payment in the amount of \$1,000. Further, employees Ramiro Sanchez and Michael Roper will receive a lump sum payment in the amount of \$365 each, and David Waller will receive a lump sum payment of \$550, all as pursuant to the October 2013 Letter of Agreement signed between the parties.~~

\* \* \*



## ORDINANCE NO. 28264

1 AN ORDINANCE relating to the Biennial Budget; amending the Biennial Budget  
2 of the City for fiscal years 2013-2014 to appropriate funds for 2013-2014  
3 contract obligations, transfers, and other budget adjustments; authorizing  
4 interfund transfers and contributions; and authorizing the acceptance,  
deposit, and appropriation of miscellaneous donations, contributions,  
and/or fees.

5 WHEREAS, at the end of each biennium, it is necessary for City staff to  
6 obtain from the City Council authority to perform various financial transactions  
7 prior to the close of the biennium to ensure that fund accounting meets Generally  
8 Accepted Accounting Principles ("GAAP") and the City's financial policies, and

9  
10 WHEREAS modifications generally recognize new revenues, budget for  
11 resolutions already passed by the County Council, adjust for changes that have  
12 occurred over the course of the biennium, and make needed corrections to the  
13 budget, and

14  
15 WHEREAS it is necessary to modify the City's Biennial Budget and to  
16 appropriate funds for 2013-2014 contract obligations, transfers, and other budget  
17 adjustments that were not identifiable in December 2013, and

18 WHEREAS Exhibit "A" describes the proposed modifications to the Biennial  
19 Budget, Exhibit "B" provides a narrative detail about the modifications, and  
20 Exhibit "C" identifies grant awards and donations which have been accepted but  
21 not appropriated; Now, Therefore,  
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1 BE IT ORDAINED BY THE CITY OF TACOMA:

2 Section 1. That the Biennial Budget of the City for fiscal years 2013-2014 is  
3 hereby amended by adopting the proposed 2013-2014 biennial modifications set  
4 out in Exhibit "A," explained in narrative form in Exhibit "B," and Exhibit "C," which  
5 identifies grant awards and donations which have been accepted but not  
6 appropriated, which exhibits are attached hereto and incorporated as part of this  
7 ordinance.  
8

9 Section 2. That the proper officers of the City are hereby authorized and  
10 directed to make interfund transfers and contributions, and that the Biennial  
11 Budget for the City of Tacoma for the years 2013-2014 shall be deemed to be and  
12 is hereby amended to provide for the appropriation and expenditure of said funds.  
13

14  
15 Adopted \_\_\_\_\_  
16

17 \_\_\_\_\_  
18 Mayor

19  
20 Attest: \_\_\_\_\_  
21

22 City Clerk  
23

24 Approved as to form:  
25

26 \_\_\_\_\_  
Deputy City Attorney



## ORDINANCE NO. 28265

1 AN ORDINANCE relating to the Licensing Code; amending Chapter 6B.50 of the  
2 Tacoma Municipal Code by amending Section 6B.50.060 to authorize  
3 charges for non-transport-related emergency medical advanced life support  
services, and to establish the 2015 base rate for such services.

4 WHEREAS, due to improvements in emergency care, Advanced Life  
5 Support ("ALS") providers are more frequently able to stabilize some emergency  
6 medical conditions and provide requisite care without the need to transport  
7 individuals to hospital emergency rooms, and  
8

9 WHEREAS insurance plans increasingly accept non-transport-related ALS  
10 charges to support continuation of the ALS program, and

11 WHEREAS Tacoma Municipal Code ("TMC") 6B.50.060 authorizes charges  
12 to persons transported for services by a Tacoma Fire Department ("TFD")  
13 ambulance at rates set by ordinance, with adjustments for cost-of-living increases,  
14 and  
15

16 WHEREAS TFD staff is proposing an amendment to TMC 6B.50.060 to  
17 include charges for non-transport-related emergency medical services, such as  
18 diabetic or asthmatic stabilization, and would establish a 2015 base rate of \$300  
19 for such services, subject to annual cost-of-living adjustments; Now, Therefore,  
20

21 BE IT ORDAINED BY THE CITY OF TACOMA:

22 Section 1. That Chapter 6B.50 of the Tacoma Municipal Code is hereby  
23 amended by amending Section 6B.50.060 as set forth in the attached  
24 Exhibit "A."  
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Section 2. That the 2015 base rate for said services is \$300, subject to annual cost-of-living adjustments.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney



## EXHIBIT "A"

### 6B.50.060 Ambulance service rates.

The following procedures are established for ambulance service to users of the City Fire Department Advanced Life Support patient transport service:

#### A. Charges to be made.

1. Transport. All persons who are transported by a City Fire Department ambulance shall be charged for all services at the rates as set by ordinance of the City Council, as amended from time to time, provided that the Tacoma Fire Department may adjust the charges yearly for any cost-of-living adjustment ("COLA") increases as measured by the Consumer Price Index, Pacific Cities and U.S. City Average for the Seattle-Tacoma-Bremerton areas. Rates for services and supplies shall be set to provide for recovery of actual costs based upon an average charge, which will be reviewed annually. Each person transported will be billed for all services provided. EMS members and nonmembers will be billed at the same rate.

2. Treatment and non-transport. All persons who receive Advanced Life Support ("ALS") medical treatment by the Tacoma Fire Department and who after treatment decline transportation to a local hospital shall be charged a non-transport fee. EMS members and nonmembers will be billed at the same rate. The base rate shall be subject to annual COLA increases in the same manner as the transport rates set forth in Subsection 1 above.

B. EMS membership benefits. By reason of special property tax levies for certain emergency medical services which are levied against property within the corporate limits of the City or are levied against property within the corporate limits of a jurisdiction for which the City has assumed contractual EMS responsibility, each resident of the City and of those contractual jurisdictions signing (by recipient or authorized representative) an EMS Membership form containing an affirmation of City residency and an assignment of benefits to the City, together with an appropriate release of medical information, shall become an EMS member and be entitled to membership benefits as herein provided. An EMS member receiving transport or ALS treatment and non-transport by a City Fire Department ambulance shall be deemed to have paid (by reason of the special levy) that portion of the charges incurred which is not payable by third parties and insurers, including, but not limited to, any insurance or medical benefits of any nature available to such member. This EMS membership benefit of coverage of charges in excess of available insurance or medical benefits shall cease when or if:

1. A member ceases to be a resident;
2. A member refuses to provide requested information pertaining to third party coverage or to provide appropriate releases of information and assignment of benefits to the City on forms provided by the City; or
3. Such EMS membership benefit is limited or extinguished by amendment or repeal of this chapter.

C. Nonmembers. Persons receiving transport or ALS treatment and non-transport by City Fire Department ambulances who are not entitled to an EMS membership shall be required to pay all charges incurred. Where practical, the City, in accordance with procedures to be approved by the Director, will, with the authorization of a nonmember receiving transport services, first seek payment of charges incurred from such nonmember's insurance or other medical benefit provider, but such nonmember shall remain fully responsible for any amount due which is not paid by such third parties.

D. Medicare and Medicaid. Eligible recipients of Medicare and Medicaid benefits shall be charged as the result of transport or ALS treatment and non-transport by City Fire Department ambulances at only the maximum rate allowed under the Medicare and Medicaid federal programs, and the City shall accept as payment under the Medicare and Medicaid programs only such maximum amount as the City may collect pursuant to the applicable requirements and guidelines of the Medicare and Medicaid programs.



E. Compliance with Medicare and Medicaid requirements. This chapter and charges for ambulance services hereunder shall be construed and implemented in a manner consistent with applicable requirements of the Medicare and Medicaid programs.

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## ORDINANCE NO. 28266

1 AN ORDINANCE relating to the Fire Code; amending Chapter 3.09 of the Tacoma  
2 Municipal Code by adding a new Section 3.09.050, entitled "Building  
3 Inspection Program fees," to provide for fees related to enforcement  
4 inspections of buildings of various industrial, commercial, and multi-family  
5 uses, to become effective June 1, 2015.

6 WHEREAS the Tacoma Fire Department ("TFD") performs periodic code  
7 enforcement inspections of buildings, in accordance with the adopted Fire Code, to  
8 protect people, property, and the environment, and

9 WHEREAS this fire and life safety code compliance program is one of TFD's  
10 fire prevention activities that help improve the overall safety of the community by  
11 reducing the risk of fires and hazardous materials incidents, and

12 WHEREAS these routine inspections identify and correct Fire Code  
13 violations, educate business and property owners on fire and life safety issues,  
14 reduce fire loss, and reduce demand on public emergency services, and

15 WHEREAS TFD plans to enhance its inspection program by improved  
16 scheduling, personnel training, and commencing online payments as the Accela  
17 Fire module is activated, and

18 WHEREAS, in an effort to reduce the City's dependence on federal grants to  
19 maintain TFD staffing levels, staff is recommending that fees be implemented,  
20 effective June 1, 2015, to offset a portion of the building inspection costs; Now,  
21  
22 Therefore,

23  
24 BE IT ORDAINED BY THE CITY OF TACOMA:

25 Section 1. That Chapter 3.09 of the Tacoma Municipal Code ("TMC") is  
26 hereby amended by amending Section 3.09.030; by the addition of a new



Section 3.09.050, entitled "Building Inspection Program fees"; and by moving  
"Waivers to fees" to Section 3.09.060, as set forth in the attached Exhibit "A."

Section 2. That TMC 3.09.050 shall become effective on June 1, 2015.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Deputy 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.
- 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 [Building Inspection Program fees.](#)
- [3.09.060](#) Waivers to fees.

\*\*\*

#### **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 3.09.0560-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.

\*\*\*

#### **3.09.050 [Building Inspection Program fees.](#)**

[The Fire Chief or his or her designee has the authority to impose a fee for and administer a Building Inspection Program \("BIP"\). The BIP shall focus on commercial, industrial, and multi-family buildings for fire and life safety code enforcement purposes.](#)

[A. The owners and occupants of any commercial, industrial, or multi-family building that contains any occupancy type, as defined within the adopted Fire Prevention Code, Chapter 3.02 TMC, shall pay the fee\(s\) for periodic building inspections conducted under the BIP in accordance with the fee schedule listed in Section 3.09.050.B TMC.](#)

[B. Inspection Fees Assessed. Building inspection fees for periodic fire and life safety code enforcement inspections shall be assessed in accordance with the following fee schedule based on total building area\(s\) of each individual occupancy and the relevant occupancy group as defined by the adopted Fire Prevention Code.](#)

#### **[BIP Base Inspection Fees](#)<sup>1, 2, 3</sup>**

	<b><a href="#">Building Area</a> <a href="#">(sq. ft.)</a></b>	<b><a href="#">1. Occupancy</a> <a href="#">Group 1 Fee (\$)</a> <a href="#">(B, M &amp; R<sup>4</sup> &amp; U)</a></b>	<b><a href="#">2. Occupancy</a> <a href="#">Group 2 Fee (\$)</a> <a href="#">(A &amp; E)</a></b>	<b><a href="#">3. Occupancy</a> <a href="#">Group 3 Fee (\$)</a> <a href="#">(F, H, I &amp; S)</a></b>
<a href="#">A</a>	<a href="#">0 – 1,500</a>	<a href="#">35</a>	<a href="#">80</a>	<a href="#">115</a>
<a href="#">B</a>	<a href="#">1,501 – 3,000</a>	<a href="#">60</a>	<a href="#">105</a>	<a href="#">140</a>
<a href="#">C</a>	<a href="#">3,001 – 5,000</a>	<a href="#">85</a>	<a href="#">130</a>	<a href="#">165</a>
<a href="#">D</a>	<a href="#">5,001 – 7,500</a>	<a href="#">110</a>	<a href="#">155</a>	<a href="#">190</a>
<a href="#">E</a>	<a href="#">7,501 – 10,000</a>	<a href="#">135</a>	<a href="#">180</a>	<a href="#">215</a>
<a href="#">F</a>	<a href="#">10,001 – 12,500</a>	<a href="#">160</a>	<a href="#">205</a>	<a href="#">240</a>
<a href="#">G</a>	<a href="#">12,501 – 15,000</a>	<a href="#">185</a>	<a href="#">230</a>	<a href="#">265</a>



<u>H</u>	<u>15,001 – 17,500</u>	<u>210</u>	<u>255</u>	<u>290</u>
<u>I</u>	<u>17,501 – 20,000</u>	<u>235</u>	<u>280</u>	<u>315</u>
<u>J</u>	<u>20,001 – 30,000</u>	<u>260</u>	<u>305</u>	<u>340</u>
<u>K</u>	<u>30,001 – 40,000</u>	<u>285</u>	<u>330</u>	<u>365</u>
<u>L</u>	<u>40,001 – 50,000</u>	<u>310</u>	<u>355</u>	<u>390</u>
<u>M</u>	<u>50,001 – 60,000</u>	<u>335</u>	<u>380</u>	<u>415</u>
<u>N</u>	<u>60,001 – 70,000</u>	<u>360</u>	<u>405</u>	<u>440</u>
<u>O</u>	<u>70,001 – 100,000</u>	<u>385</u>	<u>430</u>	<u>465</u>
<u>P</u>	<u>100,001 – 150,000</u>	<u>410</u>	<u>455</u>	<u>490</u>
<u>Q</u>	<u>150,001 – 200,000</u>	<u>435</u>	<u>480</u>	<u>515</u>
<u>R</u>	<u>Over 200,000</u>	<u>460</u>	<u>505</u>	<u>540</u>

<sup>1</sup> Base Inspection Fees: The base inspection fee shall cover the initial inspection and one follow-up inspection for the purpose of ensuring the correction of any deficiencies or defects noted during the initial inspection.

<sup>2</sup> Additional Follow-Up Inspection Fees: Any additional follow-up inspections beyond the first follow-up inspection necessary to ensure correction of any identified deficiencies or defects shall be billed at a minimum of \$177 per hour (one-hour minimum charge with additional time computed in quarter-hour increments) until full compliance is achieved.

<sup>3</sup> The Fire Chief or his or her designee is authorized to waive or partially reduce inspection fees in accordance with 3.09.060 TMC.

<sup>4</sup> Single-family residences and duplexes are excluded from the inspection program and therefore shall not be assessed inspection fees.

C. Inspection Fee Payment Obligation. The obligation to pay the fees assessed shall fall to the building owners or occupants of the building as determined pursuant to an inspection accounts process established by the BIP. The occupants or building owners identified during the inspection as being responsible for code compliance of the building or space shall be deemed the responsible party for paying the fees.

D. Inspection Fee Collection Procedure. The fees established shall be billed directly to the responsible party. For accounts delinquent for more than 30 days, a monthly fee of one percent per month on the unpaid balance with a minimum of \$3.00 charge shall be assessed to the responsible party. In addition, the Fire Chief or his or her designee may use any other lawful means to collect the obligation, including the use of collection agencies.

E. Inspection Fee Applicability. The BIP fees shall apply equally to all buildings under the jurisdictional authority of the adopted Fire Prevention Code, Chapter 3.02 TMC, unless otherwise determined.

### **3.09.060 Waivers to fees.**

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

A. Construction permit fees by departments and divisions of the City and other public agencies receiving funding for said construction from the City's General Fund shall be waived.

B. Construction permit fees for multi-family residential housing shall be waived when all of the following conditions apply:

1. The multi-family residential structure is intended for low-income individuals.

2. The alteration and repair involves some volunteer labor.

3. The alteration and repairs are being constructed by an organization classified as a 501(c)(3) non-profit organization by the Internal Revenue Service.

4. The multi-family residential structure is primarily owned and operated by a 501(c)(3) non-profit organization.

C. The Fire Chief or his or her designee shall have the authority to waive re-inspection fees required by Section 3.09.0560 TMC if he or she determines that the original order or notice of non-compliance was invalid or when mitigating circumstances beyond the responsible party's control exist including, but not limited to conflicting enforcement requirements by other agencies or conditions caused by third parties.

D. Prepayment of civil interview fees may be waived under subsection 3.09.040.P TMC for any person who has previously pre-paid interview fees and established a business account in good standing with the Fire Department.



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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## ORDINANCE NO. 28267

1 AN ORDINANCE reallocating and applying unspent proceeds remaining in project  
2 funds for the City's Limited Tax General Obligation Bonds issued in 2009  
and 2010 to the Lincoln Streetscape Improvements Project.

3 WHEREAS Ordinance No. 27852, passed November 24, 2009, authorized  
4 the issuance and sale of certain bonds of the City, including the City's Limited Tax  
5 General Obligation Bonds, Series 2009A (Taxable), Limited Tax General  
6 Obligation Bonds, Series 2009B (Taxable Recovery Zone Economic Development  
7 Bonds-Direct Payment), Limited Tax General Obligation Bonds, Series 2009E, and  
8 Limited Tax General Obligation Bonds, Series 2009F (Taxable) (together, the  
9 "2009 Bonds"), and  
10  
11

12 WHEREAS Ordinance No. 27921, passed September 10, 2010, authorized  
13 the issuance and sale of certain bonds of the City, including the City's Limited Tax  
14 General Obligation Bonds, 2010D (Taxable Build America Bonds – Direct Payment  
15 to Issuer) and Limited Tax General Obligation Bonds, 2010E (Taxable Recovery  
16 Zone Economic Development Bonds – Direct Payment to Issuer) (together, the  
17 "2010 Bonds"), and  
18

19 WHEREAS proceeds of the 2009 Bonds and the 2010 Bonds were used to  
20 finance various projects, including the Cheney Stadium, Salishan/Old Town Dock,  
21 and Brownfields, as well as other capital projects and improvements, and  
22

23 WHEREAS approximately \$3.1 million of excess bond proceeds from said  
24 2009 Bonds and 2010 Bonds remain unspent, and

25 WHEREAS excess funds in the form of unspent bond proceeds may be  
26 used for allowable public capital projects, and



1           WHEREAS the City desires to reallocate \$3 million of excess funds to cover  
2 the costs of the Lincoln Streetscape Improvements Project ("Project"), which  
3 Project is included in the proposed 2015-2016 Biennial Budget, and  
4

5           WHEREAS it appears to be in the best interests of the City to reallocate and  
6 apply \$3 million in excess 2009 Bonds and 2010 Bonds for said Project; Now,  
7 Therefore,

8           BE IT ORDAINED BY THE CITY OF TACOMA:

9           That unspent bond proceeds remaining in accounts from the City's  
10 2009 Bonds and the 2010 Bonds in the cumulative amount of \$3 million are hereby  
11 reallocated to finance capital costs of the Lincoln Streetscape Improvement  
12 Project.  
13

14  
15  
16 Passed \_\_\_\_\_

17 \_\_\_\_\_  
18 Mayor

19 Attest:

20 \_\_\_\_\_  
21 City Clerk

22 Approved as to form:

23 \_\_\_\_\_  
24 Deputy City Attorney  
25  
26



## ORDINANCE NO. 28268

1 AN ORDINANCE relating to the tax code; amending Sections 6A.10.040 and  
2 6A.30.090 of the Tacoma Municipal Code to exempt businesses with an  
3 annual gross income of less than \$250,000 from the requirement of filing a  
City Business and Occupation tax return.

4 WHEREAS, in 2011, the City Council passed Ordinance No. 28043,  
5 establishing a threshold of \$250,000 in annual gross income before businesses are  
6 required to remit local Business and Occupation ("B&O") tax; however, the Tacoma  
7 Municipal Code ("TMC") currently requires businesses to file a tax return stating  
8 that no tax is due, and  
9

10 WHEREAS, in 2013, approximately 5,400 businesses in Tacoma generated  
11 less than \$250,000 in annual gross income, but were still required to file a tax return  
12 with the City, and  
13

14 WHEREAS these businesses must utilize staff time and resources to  
15 process the tax forms in order to comply with the TMC, and

16 WHEREAS City staff time and resources are also necessary to distribute and  
17 process the forms, and, if a business does not timely file a tax return, to issue a  
18 delinquency letter, resulting in additional staff time and postage expense, and  
19

20 WHEREAS exempting businesses from this requirement fosters  
21 neighborhood, community, and economic development, vitality, and sustainability,  
22 and will reduce City printing and mailing costs by approximately \$15,000 for the  
23 2015-2016 Biennium; Now, Therefore,  
24  
25  
26



BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 6A.10.040 of the Tacoma Municipal Code is hereby amended as set forth in the attached Exhibit "A."

Section 2. That Section 6A.30.090 of the Tacoma Municipal Code is hereby amended as set forth in the attached Exhibit "B."

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney



## EXHIBIT "A"

### Chapter 6A.10 GENERAL TAX PROVISIONS

\* \* \*

#### **6A.10.040 When due and payable – Reporting periods – Monthly, quarterly, and annual returns – Threshold provisions or relief from filing requirements – Computing time periods – Failure to file returns.**

A. Other than any annual license fee or registration fee assessed under this title, the tax imposed by this chapter shall be due and payable in quarterly installments. At the Director's discretion, businesses may be assigned to a monthly or annual reporting period depending on the tax amount owing or type of tax. Tax payments are due on or before the last day of the next month following the end of the assigned reporting period covered by the return.

B. Taxes shall be paid as provided in this chapter and accompanied by a return on forms as prescribed by the Director. The return shall be signed by the taxpayer personally or by a responsible officer or agent of the taxpayer. The individual signing the return shall swear or affirm that the information in the return is complete and true.

C. Tax returns must be filed and returned by the due date whether or not any tax is owed.

D. For purposes of the tax imposed by Chapter 6A.30, any person whose value of products, gross proceeds of sales, or gross income of the business, subject to tax after all allowable deductions, is equal to or less than \$20,000 in the current calendar year shall file a return, declare no tax due on their return, and submit the return to the Director. The gross receipts and deduction amounts shall be entered on the tax return even though no tax may be due, except that for persons whose gross income is exempt from taxation under 6A.30.90.V are not required to submit a tax return.

E. A taxpayer that commences to engage in business activity shall file a return and pay the tax or fee for the portion of the reporting period during which the taxpayer is engaged in business activity.

F. Except as otherwise specifically provided by any other provision of this chapter, in computing any period of days prescribed by this chapter the day of the act or event from which the designated period of time runs shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday, or City or federal legal holiday, in which case the last day of such period shall be the next succeeding day which is neither a Saturday, Sunday, or City or federal legal holiday.

G. If any taxpayer fails, neglects, or refuses to make a return as and when required in this chapter, the Director is authorized to determine the amount of the tax or fees payable by obtaining facts and information upon which to base the Director's estimate of the tax or fees due. Such assessment shall be deemed prima facie correct and shall be the amount of tax owed to the City by the taxpayer. The Director shall notify the taxpayer by mail of the amount of tax so determined together with any penalty, interest, and fees due; the total of such amounts shall thereupon become immediately due and payable.

\* \* \*



## EXHIBIT "B"

### Chapter 6A.30 BUSINESS AND OCCUPATION TAX

\* \* \*

#### 6A.30.090 Exemptions.

A. Certain fraternal and beneficiary organizations. This chapter shall not apply to fraternal benefit societies or fraternal fire insurance associations as described in Chapter 48 RCW; nor to beneficiary corporations or societies organized under and existing by virtue of Chapter 24 RCW, if such beneficiary corporations or societies provide in their bylaws for the payment of death benefits. This exemption is limited, however, to gross income from premiums, fees, assessments, dues, or other charges directly attributable to the insurance or death benefits provided by such societies, associations, or corporations.

B. Credit unions. This chapter shall not apply to the gross income of credit unions organized under the laws of this state, any other state, or the United States.

C. Nonprofit health care organization fees. This chapter shall not apply to amounts derived from medical, nursing, ambulance, hospital, and other appropriate outpatient care as charges and service fees by nonprofit health care organizations for the benefit of subscribers where none of such fees and charges inure to the benefit of the organization or any of its employees, provided further that if a nonprofit health care organization's annual gross income, minus any allowed deductions or exemptions as provided in this chapter, exceeds \$30,000,000.00 for any calendar year the deduction shall not apply to the amounts derived from health care organization service fees and charges.

D. Public utilities. This chapter shall not apply to the business activity of any person to which tax liability is specifically imposed under the provisions of Chapters 6A.40 (Communications Tax), 6A.50 (Electricity Business and Solid Waste Collection), and 6A.90 (Natural or Manufactured Gas Tax).

E. Investments – dividends from subsidiary corporations. This chapter shall not apply to amounts derived by persons other than those engaging in banking, loan, security, or other financial businesses, from investments or the use of money as such, and also amounts derived as dividends by a parent from its subsidiary corporations.

F. International banking facilities. This chapter shall not apply to the gross receipts of an international banking facility. As used in this subsection, an "international banking facility" means a facility represented by a set of asset and liability accounts segregated on the books and records of a commercial bank, the principal office of which is located in this state, and which is incorporated and doing business under the laws of the United States or of this state, a United States branch or agency of a foreign bank, an Edge corporation organized under Section 25(a) of the Federal Reserve Act, 12 United States Code 611-631, or an Agreement corporation having an agreement or undertaking with the Board of Governors of the Federal Reserve System under Section 25 of the Federal Reserve Act, 12 United States Code 601-604(a), that includes only international banking facility time deposits (as defined in subsection (a)(2) of Section 204.8 of Regulation D (12 CFR Part 204), as promulgated by the Board of Governors of the Federal Reserve System), and international banking facility extensions of credit (as defined in subsection (a)(3) of Section 204.8 of Regulation D).

G. Insurance business. This chapter shall not apply to amounts received by any person who is an insurer or their appointed insurance producer upon which a tax based on gross premiums is paid to the state pursuant to RCW 48.14.020; and provided further, that the provisions of this subsection shall not exempt any bonding company from tax with respect to gross income derived from the completion of any contract as to which it is a surety, or as to any liability as successor to the liability of the defaulting contractor.

H. Farmers – agriculture. This chapter shall not apply to any farmer with respect to amounts received from selling fruits, vegetables, berries, butter, eggs, fish, milk, poultry, meats, or any other agricultural product that is raised, caught, produced, or manufactured by such persons.



1 I. Athletic exhibitions. This chapter shall not apply to any person with respect to the business of conducting  
2 boxing contests and sparring or wrestling matches and exhibitions for the conduct of which a license must be  
3 secured from the Washington State Boxing Commission.

4 J. Racing. This chapter shall not apply to any person with respect to the business of conducting race meets for  
5 the conduct of which a license must be secured from the Washington State Horse Racing Commission.

6 K. Ride sharing. This chapter does not apply to any funds received in the course of commuter ride sharing or  
7 ride sharing for persons with special transportation needs in accordance with RCW 46.74.010.

8 L. Employees.

9 1. This chapter shall not apply to any person with respect to the person's employment in the capacity as an  
10 employee or servant as distinguished from that of an independent contractor. For the purposes of this  
11 subsection, the definition of employee shall include those persons that are defined in the Internal Revenue  
12 Code, as hereafter amended.

13 2. A booth renter is an independent contractor for purposes of this chapter.

14 M. Amounts derived from sale of real estate. This chapter shall not apply to gross proceeds derived from the  
15 sale of real estate. This, however, shall not be construed to allow an exemption of amounts received as  
16 commissions from the sale of real estate, nor as fees, handling charges, discounts, interest or similar financial  
17 charges resulting from or relating to real estate transactions. This chapter shall also not apply to amounts  
18 received for the rental of real estate, if the rental income is derived from a contract to rent for a continuous  
19 period of 30 days or longer.

20 N. Mortgage brokers' third-party provider services trust accounts. This chapter shall not apply to amounts  
21 received from trust accounts to mortgage brokers for the payment of third-party costs if the accounts are  
22 operated in a manner consistent with RCW 19.146.050 and any rules adopted by the director of financial  
23 institutions.

24 O. Amounts derived from manufacturing, selling, or distributing motor vehicle fuel. This chapter shall not  
25 apply to the manufacturing, selling, or distributing motor vehicle fuel, as the term "motor vehicle fuel" is  
26 defined in RCW 82.36.010 and exempt under RCW 82.36.440, provided that any fuel not subject to the state  
fuel excise tax or any other applicable deduction or exemption will be taxable under this chapter.

P. Amounts derived from liquor, and the sale or distribution of liquor. This chapter shall not apply to liquor as  
defined in RCW 66.04.010 and exempt in RCW 66.08.120.

Q. Accommodation sales. This chapter shall not apply to sales for resale by persons regularly engaged in the  
business of making retail sales of the type of property so sold to other persons similarly engaged in the  
business of selling such property where (1) the amount paid by the buyer does not exceed the amount paid by  
the seller to the vendor in the acquisition of the article, and (2) the sale is made as an accommodation to the  
buyer to enable the buyer to fill a bona fide existing order of a customer or is made within 14 days to  
reimburse in-kind a previous accommodation sale by the buyer to the seller.

R. Casual and isolated sales. This chapter shall not apply to the gross proceeds derived from casual or isolated  
sales.

S. Taxes collected as trust funds. This chapter shall not apply to amounts collected by the taxpayer from third  
parties to satisfy third party obligations to pay taxes such as the retail sales tax, use tax, and admission tax.

T. The gross income received by the United States or any instrumentality thereof and by the state of  
Washington or any municipal subdivision thereof; provided, however, that the exemption contained in this  
subsection shall only apply to gross income which the City is prohibited from taxing pursuant to the terms of  
any federal or state law.

U. Any person with respect to a business activity conducted in an area that, after the date hereof, has become  
part of the City by annexation; provided, however, that the business premises of such person be located in the  
said area on the date of annexation; and provided, further, that the exemption provided herein shall cease at the  
end of the calendar quarter three years after the date of such annexation.



V. Those persons whose gross proceeds of sales or gross income of the business both from within and outside the City for the entire calendar year do not exceed a minimum threshold of \$50,000 through December 31, 1998; \$55,000 from January 1 through December 31, 1999; \$60,000 from January 1, 2000, through December 31, 2000; \$65,000 from January 1, 2001, through December 31, 2001; \$70,000 from January 1, 2002 through December 31, 2008, \$72,500 from January 1, 2009 through December 31, 2009, \$75,000 from January 1, 2010 through December 31, 2010 and \$250,000 from January 1, 2011, and thereafter shall be exempt from the tax imposed under this Subtitle 6A ~~and will not be required to submit a tax return~~; provided, however, that said persons shall still be obligated to obtain a registration certificate, ~~and submit City tax returns as specified by this Subtitle 6A, except that persons whose gross income or gross sales is \$12,000 or less will not be required to submit a tax return.~~

<b>Tax Period Year</b>	<b>Gross Income Threshold</b>
1998 and prior years	\$50,000
1999	\$55,000
2000	\$60,000
2001	\$65,000
2002 through 2008	\$70,000
2009	\$72,500
2010	\$75,000
2011 and beyond	\$250,000

W. Amounts received from the sale of licenses to use grave sites and related finance charges by persons owning or operating cemeteries located within the City; provided, however, that this exemption shall not apply to amounts derived from the sale of licenses to use crypts or cremation niches located in mausoleums.



## ORDINANCE NO. 28269

1 AN ORDINANCE relating to the Comprehensive Plan; amending the Capital  
2 Facilities Element of the Comprehensive Plan, and adopting the  
3 2015-2020 Capital Facilities Program.

4 WHEREAS the purpose of the Capital Facilities Program is to provide  
5 Tacoma with a comprehensive capital facilities overview and to guide policy  
6 decisions for capital improvements and services, and

7 WHEREAS, periodically, the Capital Facilities Program is updated with  
8 new information on capital projects for the next six-year cycle, and

9 WHEREAS the City Council desires to adopt the 2015-2020 Capital  
10 Facilities Program concurrently with the adoption of the 2015-2016 Biennial  
11 Budget, and

12 WHEREAS, periodically, the Planning Commission reviews and  
13 recommends to the City Council the adoption of the Capital Facilities Program, and

14 WHEREAS the 2015-2020 Capital Facilities Program amends the Capital  
15 Facilities Element of the Comprehensive Plan and replaces the 2013-2018 Capital  
16 Facilities Program, and

17 WHEREAS the City Council finds it to be in the best interests of the City to  
18 amend the Capital Facilities Element of the Comprehensive Plan and to replace  
19 the 2013-2018 Capital Facilities Program with the 2015-2020 Capital Facilities  
20 Program; Now, Therefore,  
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BE IT ORDAINED BY THE CITY OF TACOMA:

That the Capital Facilities Element of the Comprehensive Plan is hereby  
amended and the 2013-2018 Capital Facilities Program is replaced with the  
2015-2020 Capital Facilities Program.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney



## ORDINANCE NO. 28270

1 AN ORDINANCE relating to the Biennial Budget and Council Contingency Funds;  
2 adopting the 2015-2016 Biennial Budget of the City of Tacoma and  
3 authorizing the use of Council Contingency Funds.

4 WHEREAS the City Council desires to adopt the proposed 2015-2016  
5 Biennial Budget, and

6 WHEREAS public hearings were held on November 4 and 25, 2014, to  
7 review the preliminary budget and receive citizens comments thereon, and the  
8 City Council held numerous budget work sessions and community budget input  
9 meetings to consider the same, and

10 WHEREAS RCW 70.315.030 expressly authorizes the City's water utility to  
11 allocate and recover the costs of fire suppression water facilities and services  
12 from water customer rates, and the Department of Public Utilities currently  
13 invoices such costs to the City's General Fund, and

14 WHEREAS the Department of Public Utilities will be recommending a rate  
15 adjustment to the Public Utility Board in the spring of 2015, pursuant to City  
16 Charter § 4.11 and Chapter 70.315 RCW, which, if passed by both the Public  
17 Utility Board and City Council, will result in savings to the General Fund, and

18 WHEREAS, if the proposed rate adjustment is not approved, the General  
19 Fund will experience a \$2.2 million increase in expenses without a corresponding  
20 increase in revenues, and

21 WHEREAS non-represented classifications identified as below the market  
22 with no compression issues will receive the balance of the determined 2015  
23 market-based wage adjustment, up to a cap of 6 percent, and  
24  
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1           WHEREAS non-represented classifications identified as below the market  
2 with compression issues will receive the balance of the determined 2015  
3 market-based wage adjustment, up to a cap of 10 percent.  
4

5           WHEREAS, effective January 1, 2016, salaries for all non-represented  
6 classifications shall increase by an amount equal to 100% of the Consumer Price  
7 Index for Urban Wage Earners and Clerical Workers, CPI-W, Seattle-Tacoma-  
8 Bremerton, measured from June 2014 to June 2015, and  
9

10           WHEREAS the Council desires to use Council Contingency funds as  
11 follows: (1) \$90,000 for the Equity and Empowerment Capacity Building Pilot  
12 Program, which strengthens and builds the infrastructure of small non-profit  
13 organizations serving underrepresented or marginalized community members;  
14 (2) \$25,000 for the Center for Working Families-Financial Opportunity Center,  
15 which focuses on low-to-moderate income individuals and assists in changing  
16 financial behaviors and encourages long-term commitments towards the goal of  
17 increasing monthly net income, building credit, and acquiring assets; and  
18 (3) \$13,500 for the Eastside Farmer's Market, which helps provide good,  
19 wholesome foods that are readily available and affordable to Eastside residents  
20 and promotes the farmers market philosophy of caring for the environment,  
21 supporting farm to table, and educating about nutrition, for a total withdrawal of  
22 \$128,500, and  
23  
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1 WHEREAS a summary of the totals of estimated revenues and  
2 appropriations for each separate fund and the aggregate totals for all such funds  
3 combined for the 2015-2016 biennium is attached as Exhibit "A," and  
4

5 WHEREAS the City Council finds it to be in the best interests of the City to  
6 adopt the 2015-2016 Biennial Budget; Now, Therefore,

7 BE IT ORDAINED BY THE CITY OF TACOMA:

8 Section 1. That the Biennial Budget of the City of Tacoma for 2015-2016  
9 and each and every item thereof, as fixed, determined, and set out in Exhibit "A,"  
10 attached hereto and by this reference incorporated herein as though fully set forth,  
11 is hereby adopted as the Biennial Budget of the City of Tacoma for 2015-2016.  
12

13 Section 2. That the proper officers are authorized to withdraw from the  
14 Council Contingency Funds \$128,500, to be used as follows: \$90,000 for the  
15 Equity and Empowerment Capacity Building Pilot Program; \$25,000 for the Center  
16 for Working Families-Financial Opportunity Center; and \$13,500 for the Eastside  
17 Farmer's Market.  
18

19 Passed \_\_\_\_\_

20  
21 \_\_\_\_\_  
Mayor

22 Attest:

23 \_\_\_\_\_  
City Clerk

24 Approved as to form:

25 \_\_\_\_\_  
26 Deputy City Attorney