

TITLE 9

Public Ways

TITLE 9
PUBLIC WAYS

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Chapter 9.02

BANNERS OVER STREETS

Sections:

- 9.02.010 Permit required.
- 9.02.020 Authority to issue.
- 9.02.030 Application for permit.
- 9.02.040 Regulations and conditions of permit.
- 9.02.050 Violation – Penalty.

9.02.010 Permit required.

It is unlawful for any person, firm or corporation to erect or maintain any street banner or decoration over or across the roadway portion of any public street or alley except when authorized by a special temporary street banner permit issued pursuant to a proper application and subject to the other conditions and regulations herein stated. (Ord. 15468 § 1; passed Nov. 7, 1955)

9.02.020 Authority to issue.

The City Manager is authorized to issue a special temporary street banner permit for the temporary erection of street banners or decorations used to advertise or promote projects of community or sectional or regional fairs or celebrations, Christmas decorations, projects of community clubs, or other affairs that may be of interest to the entire City or a substantial portion thereof. (Ord. 15468 § 2; passed Nov. 7, 1955)

9.02.030 Application for permit.

Before any special temporary street banner permit shall be issued, the applicant shall file an application for the same with the Director of Public Works, together with a detailed plan of the proposed street banner showing its location, size, height above roadway, materials of construction, size of supporting cables and anchors and the proposed wording and/or display of the banner; provided, however, that a special temporary street banner permit may be issued for the erection of Christmas or similar decorations without a detailed plan when a general description of the decorations and their method of support is filed with the application.

Before any special temporary street banner permit shall be issued, the applicant must file with the Director of Public Works a public liability insurance policy issued by a company authorized to do business in the State of Washington, insuring the applicant and the City of Tacoma and guaranteeing the

payment of any final judgment up to the amount of \$100,000.00 for injury to or death of any one person, and up to the amount of \$300,000.00 for injury or death to more than one person, and up to the amount of \$5,000.00 for property damage, that may be rendered against the insured for injury, death or damage arising out of any one accident or occurrence caused by the erection or maintenance of such street banner or decoration. The policy must contain evidence of premium payment and be approved as to form by the City Attorney and thereafter forwarded by him to the Director of Finance for safekeeping.

The application shall be forwarded to the City Manager with the recommendation of the Director of Public Works stated thereon. The City Manager shall review the application and recommendation and thereafter shall issue or deny the permit. (Ord. 15468 § 3; passed Nov. 7, 1955)

9.02.040 Regulations and conditions of permit.

Any special temporary street banner permit issued pursuant to this chapter shall be subject to the following regulations, in addition to any specially recommended by the Director of Public Works after studying the plan:

- A. Such street banners or decorations shall not advertise or promote the sale of any product or commodity.
- B. The street banners or decorations shall be erected and maintained with a minimum clearance of 20 feet from the road below.
- C. The street banners or decorations shall not interfere with the clear view of any traffic light or traffic control sign or device.
- D. A special temporary street banner permit shall be valid only for a period of 15 days following the date of issuance, provided, however, that the City Manager may extend the time an additional 15 days if inspection indicates that the original installation of the banner and the condition of the banner are safe for continued use.
- E. Such street banners shall be constructed of a good grade of canvas or similar material that will not stretch or distort out of shape. They shall be supported by steel cables of sufficient size to safely support a wind load of 30 pounds per square foot of exposed area. Such cable shall be anchored to supports of sufficient strength to safely carry the

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loads imposed. They shall not be anchored to any fire escape, existing sign, utility pole, window frame or parapet wall. (Ord. 15468 § 4; passed Nov. 7, 1955)

9.02.050 Violation – Penalty.

Any person who shall violate or fail to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding \$300.00 or by imprisonment in the County Jail for a term not exceeding 90 days or by both such fine and imprisonment. (Ord. 15468 § 5; passed Nov. 7, 1955)

Chapter 9.04

COASTING ON STREETS AND SIDEWALKS

Repealed by Ord. 25602

(Ord. 25602 § 1; passed Oct. 11, 1994)

Chapter 9.06

GASOLINE PUMPS ON CURBS

Repealed by Ord. 25603

(Ord. 25603 § 1; passed Oct. 11, 1994)

Chapter 9.08

STREET OCCUPANCIES¹

Sections:

- 9.08.010 Definitions.
- 9.08.020 Occupancy permit required.
- 9.08.030 Application – Information required.
- 9.08.040 Processing of application.
- 9.08.050 Indemnity deposit on approved applications for permit.
- 9.08.060 Indemnity to save the City harmless from claims.
- 9.08.070 Revocation of permits.
- 9.08.075 Fees.
- 9.08.080 Issuance of permits.
- 9.08.090 Validation of prior permit.

9.08.010 Definitions.

The term “street occupancy” whenever used in this chapter shall be held and construed to mean and include any surface, above surface and subsurface occupancy or use of any street or alley wherever located in the City of Tacoma, and such subsurface use shall include any vault, bin, cellar, passageway, pipeline, tank, elevator, chute, or any other structure or improvement. (Ord. 22857 § 1; passed Jan. 18, 1983; Ord. 21035 § 1; passed Apr. 5, 1977)

9.08.020 Occupancy permit required.

It is unlawful for anyone to use any public right-of-way for private purposes without a written permit from the City of Tacoma and without complying with all of the provisions of this chapter in relation thereto; provided that nothing herein contained shall apply to street maintenance work performed by the City of Tacoma, utility installations covered by franchise, street or sewer installation and improvement work authorized by ordinance, or street improvement projects under contract with the City of Tacoma. (Ord. 21035 § 1; passed Apr. 5, 1977)

9.08.030 Application – Information required.

Application for permits herein provided for shall be filed with the Director of Public Works of the City of Tacoma upon a form provided by him, which application shall contain:

A. An accurate description of the public place or portion thereof desired to be used as herein specified;

B. The use desired to be made of such public place by the applicant;

C. The plans and specifications for any utility or structure desired to be constructed, erected, or maintained by the applicant in or on a public place; and

D. If the request is to construct an areaway, fuel opening, sidewalk elevator or door or other subsurface use of said right-of-way, a certificate of title or other document or indicia of title showing the applicant to be the owner of the premises abutting said public right-of-way where the said subsurface use or improvement is to be conducted or constructed.

E. If the request is for a surface occupancy of right-of-way located within shoreline segments S-1 through S-12, all further construction and development on such right-of-way shall be subject to Chapter 13.10 of the Official Code of the City of Tacoma and Chapter 90.58 RCW. The Director of Public Works may require that the applicant comply with the provisions of said Chapter 13.10 prior to the issuance of a permit pursuant to this chapter. (Ord. 21035 § 1; passed Apr. 5, 1977)

9.08.040 Processing of application.

The Director of Public Works shall cause each application to be examined to determine if it complies with the provisions of this chapter. Representatives of the City of Tacoma shall inspect the premises which are desired to be used to determine whether or not the proposed use conforms with the provisions of this chapter. Any application for a permit to construct, erect, or maintain any building, structure, or use on or under the surface of the property shall ascertain if the plans and specifications conform to the regulations pertaining to safety, material, and design of the Tacoma Building Code and Zoning Code. The Chief Building Official shall then endorse his findings upon the application and transmit the same to the Director of Public Works.

If the Director of Public Works determines that the application conforms to the requirements of this chapter, and also that the proposed use of such public place will not unreasonably limit or encroach upon the public’s right to travel upon said right-of-way, or the ancillary right to occupy said right-of-way for utility purposes, the Director of Public Works may approve the application. If approved, the Director of Public Works shall fix the time for which the permit may be granted, and shall direct the Department of

¹ Streets - Obstructions and Excavations - See Chapter 10.22.

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Tax and License to issue a permit upon the applicant's compliance as herein specified with the provisions of this chapter relating to indemnity of the City of Tacoma. In approving said permit, the Director of Public Works may impose such reasonable conditions as are required to meet the standards set forth in this chapter and to protect the paramount rights-of-way for travel and to protect the safety of the traveling public, and other public purposes. (Ord. 21035 § 1; passed Apr. 5, 1977)

9.08.050 Indemnity deposit on approved applications for permit.

If the Director of Public Works determines that there is a probability of expense to the City arising from the applicant's proposed use of public right-of-way, the applicant shall deposit with the Director of Public Works a cash deposit. The amount of the cash indemnity deposit shall be determined by the Director of Public Works at the time of approving the application, and shall be governed by the anticipated amount and extent of expense to the City as determined by the Director of Public Works. Such indemnity deposit shall be used to pay the cost, plus 15 percent thereof, of inspections, surveys, plans, and other services performed by the City, of: restoring the street; removing any earth or other debris from the street; replacing any utility interrupted or damaged; or completing any work left unfinished; filing an indemnity agreement with the City, if such an agreement is required within the permit; and any other expenses the City may sustain in conjunction with the permitted work. The balance of the cash indemnity deposit, if any, after the foregoing deductions, shall be returned to the applicant. If the indemnity deposit be insufficient, the applicant will be liable for the deficiency. If the Director of Public Works determines that engineering studies must be made prior to the approval of any application for permit, the cost of such study shall be paid for by the applicant, or deducted from his indemnity deposit.

The Director of Public Works may require the applicant to file with the City a surety bond approved as to surety and as to form by the City Attorney, which bond shall run for the full period of said permit, in a sum to be determined by the Director of Public Works, but not less than \$2,000.00, and conditioned that such applicant shall faithfully maintain such installation in a safe and secure condition and shall faithfully comply with all the terms of the permit and all the provisions of this and all other ordinances of the City of Tacoma, and shall faithfully perform the removal of, or reimburse the City for, the cost of removing such installation and restoring the right-of-way to the same or better

condition as though such installation had not existed, upon the revocation or voluntary termination of said permit. (Ord. 21035 § 1; passed Apr. 5, 1977)

9.08.060 Indemnity to save the City harmless from claims.

The Director of Public Works may require the applicant to file with the Department of Public Works, prior to the effective date of such permit, a certified copy, together with evidence of premium payment, of a comprehensive general insurance policy in a form approved by the City of Tacoma, issued by a company duly authorized to do business in the State of Washington. Said policy shall run for the duration of the permit. Coverages provided by the insurance policy shall include, but shall not be limited to, all of the usual coverages commonly referred to by the insurance industry as:

Operations Liability

Products/Completed Operations Liability

Owner's and Contractor's Protective Liability

Blanket Contractual Liability

The insurance policy shall: (1) name the City of Tacoma as an additional insured; (2) apply as primary insurance, regardless of any insurance which the City may carry; (3) include a "cross-liability" (severability of interest) clause; and (4) include limits of protection of not less than \$500,000.00 combined single limit, bodily injury and property damage. It is to be understood and agreed that the obligation to permittee to hold harmless the City from claims for damages arising out of the operations related to the permit shall not be limited to the amount of insurance provided by the permittee. The insurance policy shall further contain a clause obligating the company issuing the same to give notice to the Risk Manager of the City of Tacoma 30 days before the cancellation of said policy.

If the application is for a permit to construct or maintain an areaway, fuel opening, sidewalk elevator or door, or to use or occupy the planting strip by erecting a bulkhead, steps, retaining wall, rockery, structure, or any facility therein, in addition to the foregoing comprehensive general insurance policy, the owner of the premises in front of which, and in connection with which, the same is to be constructed, erected, maintained, used, or occupied, and any existing lessee, sublessee, tenant, and/or subtenant using or occupying the basement of the premises in

connection with which such structure is to be used, before the permit is issued, shall, in the manner provided by law for the execution of deeds, execute and deliver to the City of Tacoma upon a form to be supplied by the Director of Public Works, an agreement in writing, signed and acknowledged by such owners and by such existing lessee, sublessee, tenant, and/or subtenant, and containing an accurate legal description of said premises and a covenant on the part of such owner, lessee, sublessee, tenant, and/or subtenant, for themselves and their heirs, executors, administrators, successors, assigns, lessees, sublessees, tenants, and subtenants, forever to hold and save the City of Tacoma free and harmless from any and all claims, actions, or damages of every kind and description which may accrue to, or be suffered by, any persons by reason of the use of such public place, or of the construction, existence, maintenance, or use of such structure.

If the application is for a permit to construct and maintain an areaway, such agreement shall also contain a covenant on the part of the persons or corporations executing the same, for themselves and their heirs, executors, administrators, successors, assigns, lessees, sublessees, tenants, and subtenants, assuming the duty of inspecting and maintaining all services, instrumentalities, and facilities installed in the areaway to be constructed or occupied under authority of such permit, and assuming all liability for, and saving and holding the City of Tacoma harmless from any and all loss, damage, or injury that may result to his or their own person or property, or the person or property of another, by reason of such services, instrumentalities, or facilities.

In addition, such agreement shall contain a provision that the permit is wholly of a temporary nature, that it vests no permanent right whatsoever, that upon 30 notice, posted on the premises, or by publication in the official newspaper of the City of Tacoma, or without such notice, in case the permitted use shall become dangerous, or such structures shall become insecure or unsafe, or shall not be constructed, maintained, or used in accordance with the provisions of this title, the same may be revoked and the structure and obstructions ordered removed at the expense of the grantee of the permit. Every such agreement shall be retained by the Department of Public Works in the files and records of that Department. (Ord. 22857 § 2; passed Jan. 18, 1983: Ord. 21035 § 1; passed Apr. 5, 1977)

9.08.070 Revocation of permits.

All permits granted under the provisions of this chapter may, in any case, be revoked by the Director

of Public Works upon 30 days' notice, or without notice in case any such use or occupation shall become dangerous or any structure or obstruction permitted shall become insecure or unsafe, or shall not be constructed, maintained, or used in accordance with the provisions of this chapter.

If any such structure, obstruction, use, or occupancy is not discontinued on notice to do so by the Director of Public Works, the Director of Public Works may forthwith remove such structure or obstruction from such place, or make such repairs upon such structure or obstruction as may be necessary to render the same secure and safe, at the expense of the grantee of the permit or his successor, and such expense, together with the cost of its collection, may be collected in the manner provided by law. (Ord. 22865 § 1; passed Jan. 18, 1983: Ord. 21035 § 1; passed Apr. 5, 1977)

9.08.075 Fees.

The City Council hereby authorizes the fees for street occupancy permits set forth in the schedule below, and all previously adopted fee schedules are hereby rescinded, except that the existing fee schedule for Shoreline Districts shall remain in effect until superseded by an alternative use fee as referenced in Section 3 below. Application and renewal fees are established commensurate with the costs of administration involved in the issuance and continuance of the permits. Use fees are established for commercial uses of the street rights-of-way, and are payable in addition to the application and renewal fees. Sidewalk cafes are recognized as a special street occupancy that promotes desirable street life that can have favorable economic impact by encouraging visitation to City business districts and result in patronage of its businesses. Since sidewalk cafes are encouraged, street occupancy permit fees for sidewalk cafes are given favorable consideration.

Street occupancy permit fees shall be collected by the Director of Finance, and payment of said fees is a condition of the issuance and continuance of any such permit. In order to effectuate the ongoing collection of said fees, holders of permits shall be notified by the City a minimum of one month in advance, to pay applicable fees or the permit will be revoked. All fees collected pursuant to this chapter shall be deposited in the General Fund.

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**SCHEDULE OF
STREET OCCUPANCY PERMIT FEES**

ADMINISTRATIVE FEES

General Application Fee (includes processing, initial inspection, review, document preparation)	\$320
Sidewalk Café – Application Fee* (includes processing, initial inspection, review, document preparation)	\$120
Annual Renewal Fee (includes site inspection for compliance, file review, insurance review and application of fee escalators/adjustments as required)	\$ 90

*This reduced fee is designed to encourage this use, which the City finds promotes economic development and revitalization of its business districts.

GENERAL ANNUAL USE FEES

Commercial Occupancy - Exclusive Use (based on square footage occupied)	10% of Assessed Land Value**
Commercial Occupancy - Non-exclusive Use (based on square footage occupied)	5% of Assessed Land Value**
Subsurface Use (based on square footage occupied)	2.5% of Assessed Land Value**
Minimum Annual Fee (for commercial occupancies)	\$120
Sidewalk Cafés (subject to annual renewal fee only – annual permit to be posted onsite)	None
Non-Commercial Occupancy (subject to annual renewal fee only)	None

**Assessed Land Value is abstracted from the Pierce County Assessor’s property tax assessment for the entire property excluding improvement (building) value. The land value used is that of the property abutting the street occupancy area except in any case where the assessment of the abutting property is inconsistent with other, comparable properties in the vicinity. In such a case, the City may adjust the assessed value for the purpose of setting fees for street occupancies.

SPECIFIC USE FEES

Signs – Annual Fee

Commercial	\$600
Non-Commercial (directional signs or similar)	\$ 75

Monitoring Wells – Annual Fee

One well	\$175
Each additional well	\$150

**Subsurface Structural Supports –
One-Time Fee (per location)**

Soldier Beams	\$700
Soil Nails	\$700
Tie-Backs	\$700

(Ord. 27451 § 1; passed Jan. 3, 2006: Ord. 22865 § 2; passed Jan. 18, 1983)

Section 2.: Except as provided for in Section 3 below, this ordinance shall have an effective date of April 1, 2006, provided however, that General Use Fees calculated as a percentage of assessed value shall take effect in three phases. During the first year, beginning April 1, 2006, General Annual Use Fees shall be applied at a rate of 33 percent of the calculated use fee; in the second year, beginning January 1, 2007, General Annual Use Fees shall be applied at a rate of 67 percent of the calculated use fee; and in the third year, beginning January 1, 2008, all General Annual Use Fees shall be applied at 100 percent; however, in no event shall any General Use Fee be less than the set minimum of \$120. General Annual Use Fees for new Street Occupancy Permits that are in excess of \$120 shall be prorated in the first year to a renewal date of January 1st; however, in no event shall any General Use Fee be less than the set minimum of \$120. (Ord. 27451 § 2; passed Jan. 3, 2006)

Section 3. The new use fees provided for in Section 1 above shall not apply to street occupancies in the Shoreline Districts until an alternative use fee formula is developed that recognizes the unique characteristics of the non-exclusive parking uses within the rights-of-way of the Shoreline Districts. Said additional use fee formula shall be developed no later than June 30, 2006. (Ord. 27451 § 3; passed Jan. 3, 2006)

9.08.080 Issuance of permits.

Upon approval by the Director of Public Works of an application for the use or occupation of a public right-of-way, the Department of Tax and License shall issue a permit therefor. The original permit shall

remain in the custody of the Director of Tax and License and a copy shall be given to the grantee. (Ord. 21035 § 1; passed Apr. 5, 1977)

9.08.090 Validation of prior permit.

Prior permits issued pursuant to Ordinance No. 15068 of the City of Tacoma (previously codified as Chapter 9.08) shall remain in force and effect for the term of said permit; provided that, upon the renewal, extension, or reissuance of such permits, they shall conform to the provisions of this chapter. (Ord. 21035 § 1; passed Apr. 5, 1977)

Chapter 9.10

MOVING BUILDINGS

Sections:

- 9.10.010 Permit required.
- 9.10.020 Authorized building movers – Definition.
- 9.10.030 Permits – Special requirements.
- 9.10.040 Hours and days of movements.
- 9.10.050 Equipment.
- 9.10.060 Escort vehicles – Requirements.
- 9.10.070 Warning signs and devices.
- 9.10.080 Violation – Penalty.

9.10.010 Permit required.

It shall be unlawful for any person, firm, or corporation to move any building or structure over or along any street or alley in the City of Tacoma without first having obtained a permit to do so from the Director of Public Works. (Ord. 24238 § 1; passed Nov. 29, 1988)

9.10.020 Authorized building movers – Definition.

Said permit to move any building or structure shall only be issued to authorized building movers. An authorized building mover is defined as any individual or organization which has:

A. Obtained a valid contractor’s license in the State of Washington;

B. Furnished to the City of Tacoma, Department of Public Works, Buildings Division, a surety bond, approved by the City’s Risk Manager, in the amount of \$10,000.00. Action against the bond will be taken if the permit holder fails to complete the move as specified in the permit;

C. Furnished to the City of Tacoma, Department of Public Works, Buildings Division, proof of possession of, and agreement to maintain, a comprehensive general liability insurance policy in the amount of no less than \$500,000.00 combined single limit for personal injury and property damage coverage, per occurrence. Such insurance shall provide: Premises/operations liability, owner’s and contractor’s liability, products/completed operations liability, broad form property damage, personal injury, automobile liability for all vehicles owned and operated, and shall include the City of Tacoma as an additional insured. Such insurance shall be primary to and non-contributing with any insurance

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maintained by the City of Tacoma, shall contain a severability of interest provision in favor of the City of Tacoma, and shall include an express waiver of subrogation in favor of the City of Tacoma. A certificate of insurance evidencing compliance with the foregoing shall be provided to the City of Tacoma before a permit is issued, and coverage shall be effective during the dates of the permit;

D. Signed a hold harmless agreement, which the City of Tacoma will furnish, stating that the permit holder shall be fully liable and responsible for accident, damage, or injury to any property or person resulting from activity done under the authority of an over-legal-size building moving permit. In addition, the permit holder shall indemnify the City of Tacoma, its officers, agents, and employees against any and all claims, demands, loss, injury, damage actions, and costs of actions which they, both individually and severally, may sustain by reason of unlawful acts, conduct, or operations covered by the permit. (Ord. 24238 § 1; passed Nov. 29, 1988)

9.10.030 Permits – Special requirements.

No less than three working days in advance of the proposed move of a house or building, the mover shall submit an application for permit to the Traffic Engineering Division of the City of Tacoma Public Works Department. Such application shall include:

- A. Present location of the building to be moved.
- B. Proposed location building is being moved to.
- C. The building permit number, if the building is to be located within the City of Tacoma.
- D. Proposed route over which the load is to be moved.
- E. Dimensions of the load or equipment when loaded or road ready.
- F. Vehicle description and license plate numbers for each vehicle, dolly, and/or trailer used.
- G. Evidence of notification to all public and private utility companies, including railroad companies, having facilities over, along or across the proposed route of travel, which may be in conflict with or endangered by the load. Such notification shall be given to a responsible member of each company at least 24 hours before the proposed move. The responsible person's name, position, company name, and phone number, and the date and time called must

be recorded on the permittee's copy of the permit prior to moving.

H. Evidence of notification to the Tacoma Police Department, Fire Department and Traffic Signal Division of the Department of Public Works of the time, date, dimensions, and route of the move. Contact's name, department, and phone number, and time and date of contact, must be recorded on the permittee's copy of the permit prior to moving. (Ord. 24238 § 1; passed Nov. 29, 1988)

9.10.040 Hours and days of movements.

The following restrictions will be observed on movements of all over-legal-size loads within the City of Tacoma, except with written permission from the Chief, Traffic Engineering Division of the Department of Public Works.

- A. Building moves will be allowed only in daylight hours (one-half hour before sunrise to one-half hour after sunset).
- B. Building moves will not be allowed on legal holidays observed by the City of Tacoma.
- C. Building moves will not be allowed on arterial streets in the City of Tacoma during peak hour traffic (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.).
- D. Building moves will not be allowed if, at the discretion of the Chief of Engineering Division, inclement weather, including but not limited to snow, ice, or fog, could create unsafe operating conditions.
- E. In case of any conditions adverse to the City, the Traffic Engineering Division reserves the right to restrict movement of any over-legal-size load in the City of Tacoma at any time.
- F. Any changes in moving dates or times from those set forth in the permit application must be cleared by the Traffic Engineering Division of the Department of Public Works. (Ord. 24238 § 1; passed Nov. 29, 1988)

9.10.050 Equipment.

Equipment used in transporting over-legal-size loads will be inspected and certified annually by the City of Tacoma's Road Use Compliance Officer, and shall meet the following requirements:

A. All equipment must comply with the requirements as set forth in Chapter 11.16 of this Code, "Equipment and Inspection."²

B. All trucks and dollies shall be licensed and covered by insurance as required by the State of Washington.

C. In case of equipment failure, insufficient power, or insufficient braking capabilities involving vehicles which move buildings, the Traffic Engineer or his representative may call for outside assistance, at the mover's expense, to continue the move.

D. Tire and axle loading shall comply with Washington State Motor Vehicle load limits.

E. Any equipment which breaks down and causes undue delay, or any equipment breakdown which occurs frequently, is just cause for the Traffic Engineering Division of the City of Tacoma Department of Public Works to rule against further use of such equipment. Such condemned equipment shall not be used until repaired by mover and inspected and approved by the Traffic Engineering Division.

F. Personnel who are riding on top of over-legal-size load to be moved, responsible for handling overhead wiring, shall at all times wear rubber gloves which are in good condition and are capable of withstanding high voltages of at least 10,000 volts.

G. A ladder of a length to reach the top of over-legal-size load will be available on every move.

H. Blocks capable of holding the unit being moved shall be carried and, in the case of winching operations, shall be kept close to the downhill side of the wheels of each dolly to prevent runaway should the cable slip.

I. Every tow vehicle shall carry at all times an approved first aid kit.

J. Every tow vehicle shall carry at all times a minimum of 10 emergency fuses. (Ord. 24238 § 1; passed Nov. 29, 1988.)

9.10.060 Escort vehicles – Requirements.

Front and rear escort vehicles shall be furnished by the permit holder or subcontractor and shall meet the following requirements:

A. Escort vehicles may be a four-passenger car or two-axle truck, and shall be fully licensed in the State of Washington and be in safe operating condition as outlined in Chapter 11.16 of this Code, entitled "Equipment and Inspection."¹

B. Escort vehicles shall be of such design as to provide the driver clear and unobstructed vision, both front and rear.

C. Escort vehicle operators shall be properly licensed and have sufficient experience to operate the vehicle.

D. Escort vehicle operators and ground escort personnel shall have in their possession a current and valid Washington State Flagging and Traffic Control card, and shall wear an orange protective vest as outlined in WAC 296-155-305.

E. Front and rear escort vehicles will travel at such reasonable distance from the building being moved as to insure the maximum security to the traveling public.

F. All escort vehicles and towing vehicles shall be equipped with working two-way radios, subject to the approval of the Traffic Engineering Division of the Department of Public Works. (Ord. 24238 § 1; passed Nov. 29, 1988.)

9.10.070 Warning signs and devices.

Warning signs and devices shall meet the following requirements:

A. An "oversized load" sign at least six feet long, with black letters 10 inches high and one inch wide on yellow background, shall be mounted above the cab of the towing vehicle and on the rear of the trailer unit.

B. An "oversized load" sign, as described above, shall be mounted above the roof line of each escort vehicle, a minimum of five feet from the roadway surface, measured from the bottom of the sign.

C. "Oversized load" signs, when mounted for use, shall not interfere with required lighting.

D. Such signs will be displayed only when the unit is in transit and must be removed or retracted at all other times.

E. Oversized loads shall display the prescribed 144-square-inch red-colored flag on each corner.

² Code reviser's note: Chapter 11.16 was repealed by Ord. 25208.

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F. Escort vehicles shall display either two six-inch diameter flashing amber lights or a single rotating flashing beacon mounted above the roof line and plainly visible. The amber lights shall meet SAE Standard Specifications (SAE J595b), "Flashing Warning Lamps for Authorized Emergency, Maintenance, and Service Vehicles." These amber lights will operate at all times during movement of over-legal-size loads.

G. Police escort may be required for over-legal-size loads, at the discretion of the Traffic Engineering Division of the Department of Public Works.

H. When uniformed off-duty law enforcement officers act as escorts, using official police cars or motorcycles, the preceding escort car requirements shall still be applicable. (Ord. 24238 § 1; passed Nov. 29, 1988)

9.10.080 Violation – Penalty.

Any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding \$1,000.00 or by imprisonment for not more than six months, or by both such fine and imprisonment. Each instance when there is a violation or a failure to comply shall constitute a separate violation. (Ord. 24238 § 1; passed Nov. 29, 1988)

Chapter 9.12

NUMBERING BUILDINGS

Sections:

- 9.12.010 Affixing street numbers – Designation, location and size.
- 9.12.015 Posting address numbers at entrance to a private road or driveway.
- 9.12.020 Numbering new and altered buildings.
- 9.12.030 Correcting erroneous numbers.
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- 9.12.050 Rear numbers.
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- 9.12.080 New Tacoma – North and south streets.
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- 9.12.260 South end – Prefixes.
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- 9.12.271 West end – System established.
- 9.12.272 West end – Designation of streets.
- 9.12.273 West end – Base line north and south.
- 9.12.274 West end – Base line east and west.
- 9.12.275 West end – Lot numbers.

- 9.12.276 West end – Designation of number.
- 9.12.277 West end – Buildings to be numbered.
- 9.12.280 Prospect Hill – System established.
- 9.12.290 Prospect Hill – Base line north and south.
- 9.12.300 Prospect Hill – Base line east and west.
- 9.12.310 Violation – Penalties.

9.12.010 Affixing street numbers – Designation, location and size.

The owner, agent, occupant, lessee or tenant of any building or parts of a building in the City of Tacoma having an entrance fronting upon a public street shall maintain a street number thereof, as herein provided. Such number shall be displayed in a conspicuous place over or near the principal street entrance, entrances, door or gate in such a manner that it is easy to find and clearly visible from the street.

Each figure of said number shall be at least two inches in height and shall be of a color that will contrast with the background.

It shall be the duty of the Building Inspector to assign the correct street number as provided by Sections 9.12.070 through 9.12.300, upon the request of any owner, occupant or lessee. Such request shall be in writing and shall contain the legal description of the property upon which the building or premises is located, together with the location of the doors or entrances to be numbered. (Ord. 14706 § 1; passed Feb. 18, 1953)

9.12.015 Posting address numbers at entrance to a private road or driveway.

The owner or occupant of any residence, building, or place of business (except sheds and accessory buildings) which opens upon or has access to a street within the city shall place and maintain the correct and clearly visible address numbers in a conspicuous location upon the main entrance or at the principal place of ingress to such residence, building, or place of business. Knowing failure to place or maintain the correct and clearly visible address numbers in such a location shall constitute a misdemeanor. (Ord. 24659 § 1; passed Jun. 19, 1990)

9.12.020 Numbering new and altered buildings.

Upon the completion of a building or buildings or the alterations thereto changing the entrances, it shall be

unlawful for the owners, agents, occupants, tenants or lessee to assign or place any number thereon unless the same shall have been officially designated by the Building Inspector, and application must be made at the office of said Building Inspector for such designation. (Ord. 14706 § 2; passed Feb. 18, 1953)

9.12.030 Correcting erroneous numbers.

In cases where incorrect numbers have been placed and remain or shall hereafter be placed on any house or building, the owner, agent, occupant, tenant or lessee shall, upon notification of the error by the Building Inspector, correct the number within 10 days after official notification. (Ord. 14706 § 3; passed Feb. 18, 1953)

9.12.040 Unnumbered buildings and obliterated numbers.

In cases where an entrance to a house or other building has an entrance which is unnumbered, or where said house, building or part thereof may have been numbered and the number since lost, destroyed, or defaced so as to be unintelligible, the owner, agent, occupant, tenant or lessee shall cause said house, building or part thereof to be numbered in accordance with the official notification of the Building Inspector. (Ord. 14706 § 4; passed Feb. 18, 1953)

9.12.050 Rear numbers.

In cases where houses or buildings have rear entrances opening on an alley (streets not included) or private driveway, the numbers assigned for the front or principal entrance may be displayed on said rear entrance, garage or gate for the convenience of service men, delivery men and other persons. (Ord. 14706 § 5; passed Feb. 18, 1953)

9.12.060 Records of numbers assigned.

An accurate record of street numbers assigned shall be kept in the office of the Building Inspector. This record shall be kept on a map or maps designated for that purpose. (Ord. 14706 § 6; passed Feb. 18, 1953)

9.12.070 New Tacoma – System established.

There shall be and is hereby established a uniform system of numbering all houses, stores, and other buildings (except sheds and outhouses) erected or to be erected within the limits of all that part of the City originally known as “New Tacoma,” according to the plat thereof filed in the office of the Auditor of Pierce County, and all additions thereto which have been or

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may hereafter be laid out to conform to the same. (Ord. 158 § 1 and 2; passed Apr. 4, 1887)

9.12.080 New Tacoma – North and south streets.

The initial point or base line for numbering buildings on lots fronting upon streets or avenues running north and south, or in a northerly and southerly direction, shall be Division Avenue, assumed as zero, and from said initial point or base line, south or in a southerly direction, the number of the street, in hundredths running east and west or in an easterly and westerly direction, north of the block or blocks fronting thereon, shall be and is hereby constituted the base or representative number for buildings in the block or blocks south of and fronting upon such street. And from said initial point or base line, north or in a northerly direction, the number of the street, in hundredths, running east and west or in an easterly and westerly direction south of the block or blocks fronting thereon, shall be and is hereby constituted the base or representative number for buildings in the block or blocks north of and fronting upon such street. (Ord. 158 § 3; passed Apr. 4, 1887)

9.12.090 New Tacoma – East and west streets.

The initial point or base line for numbering buildings on lots fronting upon streets and avenues running east and west or in an easterly and westerly direction, shall be “A” Street assumed as 100, and from said initial point or base line east or west or in an easterly or westerly direction, the number 100 shall be and is hereby constituted the base or representative number for buildings in the first block or series of blocks fronting upon said “A” Street or base line, and the base or representative number shall increase in the ratio of 100 for each successive block or series of blocks east or west of said “A” Street or base line. (Ord. 158 § 4; passed Apr. 4, 1887)

9.12.100 New Tacoma – Blocks defined.

For the purpose of this chapter, a block or series of blocks shall be known and designated as the distance from one street to another, except as hereinafter provided, that is to say: West from said “A” Street or base line the distance from “A” Street to Pacific Avenue shall constitute the first series of blocks; from Pacific Avenue to “C” Street, the second series; from “C” Street to “D” Street, the third series; from “D” Street to “E” Street, the fourth series; from “E” Street to Tacoma Avenue or “F” Street, the fifth series; from Tacoma Avenue or “F” Street to “G” Street, the sixth series, and so on in the same manner to the westerly limits of the City, provided, however,

that blocks fronting upon South Nineteenth Street, from Pacific Avenue to Adams Street, shall be included in the second series, and from Adams Street to “D” Street, in the third series; and blocks fronting on South Twenty-first Street from Pacific Avenue to “C” Street, in the second series; and from “C” Street to Jefferson or “D” Street, in the third series, and blocks fronting on South Twenty-third and South Twenty-fifth Streets, from “C” Street to Jefferson Street, shall be included in the third series; and blocks fronting on South Seventh, South Fifth, South Fourth, South Second Streets and Division Avenue, from Cliff Avenue to “C” Street, shall be included in the second series; and blocks fronting upon Division Avenue, North First and North Second Streets, from Cliff Avenue to “E” Street, in the fourth series; and blocks fronting on North Fourth, Fifth, Sixth, Seventh, Eighth and Ninth Streets, from Cliff Avenue to “C” Street, shall be included in the second series. East from said “A” Street or base line, the distance from “A” Street to East “B” Street shall constitute the first series of blocks; from East “B” to East “C” Street, the second series, and so on in the same manner to the easterly limits of the City. (Ord. 158 § 5; passed Apr. 4, 1887)

9.12.110 New Tacoma – Numbering.

South of Division Avenue, every lot, as provided in Section 9.12.120 hereof, shall be numbered consecutively from north to south; and north of Division Avenue, from south to north; the odd numbers on the east and the even numbers on the west side of streets and avenues running north and south or in a northerly and southerly direction. East of “A” Street every lot, as provided in Section 9.12.120 hereof, shall be numbered consecutively, from west to east; and west of “A” Street from east to west, the odd numbers on the north and the even numbers on the south side of streets and avenues running east and west or in an easterly and westerly direction. (Ord. 158 § 6; passed Apr. 4, 1887)

9.12.120 New Tacoma – Designation of number.

Every lot having a frontage in any street or avenue of 25 feet or less shall have one number, and every lot having a frontage of over 25 feet shall have an additional number for each additional 25 feet frontage or fraction thereof.

The base or representative number, as provided in Sections 9.12.080 and 9.12.090 hereof, added to the lot number, as herein and in Section 9.12.110

provided, shall constitute the number for the building on such lot. (Ord. 158 § 7; passed Apr. 4, 1887)

9.12.130 New Tacoma – Designation of streets.

For convenience of location or address, all streets and avenues south of Division Avenue and west of “A” Street which run north and south or in a northerly and southerly direction shall be known and designated as South __ Street or Avenue, and all streets which run east and west or in an easterly and westerly direction shall be known and designated as South __ Street. All streets and avenues north of Division Avenue and Sixth Avenue which run north and south or in a northerly and southerly direction shall be known and designated as North __ Street, and all streets which run east and west or in an easterly and westerly direction shall be known and designated as North __ Street. All streets and avenues east of “A” Street which run north and south or in a northerly and southerly direction shall be known and designated as East __ Street or Avenue, and all streets which run east and west or in an easterly and westerly direction shall be known and designated as East __ Street. (Ord. 24181 § 1; passed Aug. 30, 1988; Ord. 158 § 8; passed Apr. 4, 1887)

9.12.140 New Tacoma – Buildings to be numbered.

All houses or buildings now erected shall be numbered as herein provided and all houses or buildings hereafter erected shall be numbered before being occupied. (Ord. 158 § 9; passed Apr. 4, 1887)

9.12.150 North end – System established.

There shall be and is hereby established a uniform system of numbering all houses, stores and other buildings (except sheds and outhouses) erected or to be erected within the limits of all that part of the City of Tacoma lying between Division and Sixth Avenues on the south and the limits of the City on the north, east and west, excepting that portion of the original town plat of New Tacoma lying within said district. (Ord. 753 § 1 and 2; passed Oct. 26, 1892)

9.12.160 North end – Base line north and south.

The initial line for numbering buildings on lots fronting upon streets or avenues running north and south shall be Sixth Avenue. The base number assumed for Sixth Avenue shall be 600, and each block lying between streets parallel with Sixth Avenue shall be in a series of a hundred, having for its initial number the number of the street

immediately south of said block. Thus, between Sixth Avenue and North Seventh Street, the series will be 600, between North Forty-first Street and North Forty-second Street, the series will be 4100. (Ord. 753 § 3; passed Oct. 26, 1892)

9.12.170 North end – Base line east and west.

The initial base line for numbering buildings on lots fronting upon streets or avenues running east and west shall be Pine Street, and the continuation of said street north and south. The base number assumed for said line shall be 2900 and each block lying between streets parallel with said line shall be in a series of a hundred, having for its initial number the number of streets or blocks that the street immediately east of said block is away from the base line added to the base line number. Thus, between Pine and Chestnut Streets, the series will be 2900, between Chestnut and Cedar, the series will be 3000, between Cedar and Alder, the series will be 3100, and so on in the same manner to the limits of the City on the west. (Ord. 753 § 4; passed Oct. 26, 1892)

9.12.180 North end – Lot numbers.

Every lot having a frontage on any street or avenue of 25 feet or less shall have one number, and every lot having a frontage of over 25 feet shall have an additional number for each additional 25 feet frontage or fraction thereof. Every lot fronting upon streets running north and south shall be numbered consecutively from south to north, the odd numbers on the east and the even numbers on the west side of the streets. Every lot fronting upon streets running east and west shall be numbered consecutively from east to west, the even numbers on the south and the odd numbers on the north side of the streets; the first lot north or west of a street receiving the final figure “1” or “2”, as it shall be on the odd or even side of the street. (Ord. 753 § 5; passed Oct. 26, 1892)

9.12.190 North end – Designation of number.

The base or initial number, as provided in Section 9.12.170, prefixed to the lot number, as provided in Section 9.12.180, shall constitute the number of the building on such lot. (Ord. 753 § 6; passed Oct. 26, 1892)

9.12.200 North end – Buildings to be numbered.

All houses or buildings now erected shall be numbered, as herein provided, and all buildings

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hereafter erected shall be numbered before being occupied. (Ord. 753 § 7; passed Oct. 26, 1892)

9.12.210 South end – System established.

There shall be and is hereby established a uniform system of numbering all houses, stores and other buildings (except sheds and outhouses) erected or to be erected within the limits of all that part of the City lying between Sixth Avenue and its continuations on the north, and the City limits on the west, south and east; excepting that portion of the City originally known as “New Tacoma,” and all the additions platted in conformity thereto of Northeast Tacoma and that part of the City of Tacoma lying south of the center line of South 19th Street and west on the center line of Orchard Street. (Ord. 19694 § 1; passed Nov. 8, 1972; Ord. 774 § 1 and 2; passed Dec. 19, 1892)

9.12.220 South end – Base line north and south.

The initial base line for numbering buildings on lots fronting upon streets running north and south shall be Sixth Avenue. The base number assumed for Sixth Avenue shall be 600, and each block lying between streets parallel with Sixth Avenue shall be in a series of a hundred, having for its initial number the number of the street immediately north of said block. Thus, between Sixth Avenue and South Seventh Street, the series will be 600; between South Forty-seventh and South Forty-eighth Streets, the series will be 4700. (Ord. 774 § 3; passed Dec. 19, 1892)

9.12.230 South end – Base line east and west.

The initial base line for numbering buildings on lots fronting upon streets or avenues running east and west shall be “A” Street. The base number assumed for “A” Street will be 100, and each block lying between streets parallel with said line shall be in a series of a hundred, having for its initial number the number of streets or blocks that the street immediately east of said block is away from the base line, added to the base line number, and provided that the series between South Park Avenue and “I” Streets shall be 600. Thus, between “A” and Pacific Avenue, the series will be 100, and between Pine and Sturgis Streets, the series will be 2900. East of “A” Street, the series will run in regular rotation and with the same provisions above mentioned. Thus, between “A” and East “B” Streets, the series will be 100; between East “F” and East “G” Streets, the series will be 600. (Ord. 774 § 4; passed Dec. 19, 1892)

9.12.240 South end – Lot numbers.

Every lot having a frontage on any street or avenue of 25 feet or less shall have one number, and every lot having a frontage of over 25 feet shall have an additional number for each additional 25 feet or fraction thereof. Every lot fronting upon streets running north and south shall be numbered consecutively from the north to the south, the odd numbers on the east and even numbers on the west sides of the streets. Every lot fronting upon streets running east and west shall be numbered consecutively from the east to the west, the even numbers on the south and the odd numbers on the north sides of the streets; the first lot north or west of a street, receiving the final figure “1” or “2” as it shall be on the odd or even side of the street. (Ord. 774 § 5; passed Dec. 19, 1892)

9.12.250 South end – Designation of number.

The base or initial number, as provided in Section 9.12.230 prefixed to the lot number, as provided in Section 9.12.240, shall constitute the number of the building on such lot. (Ord. 774 § 6; passed Dec. 19, 1892)

9.12.260 South end – Prefixes.

For the convenience of location and address, the names of all streets and avenues south of Sixth Avenue and west of “A” Street shall be prefixed by the word “South”; e.g., South “M” Street, South Junett Street, etc. East of “A” Street, the word “East” shall be a prefix of the names of the streets and avenues which run north and south and the names of streets which run east and west; e.g., East Fifty-sixth Street, East Morton Street, East McKinley Avenue. (Ord. 24181 § 2; passed Aug. 30, 1988; Ord. 774 § 7; passed Dec. 19, 1892)

9.12.270 South end – Buildings to be numbered.

All houses or buildings now erected shall be numbered as herein provided and all buildings hereafter erected shall be numbered before being occupied. (Ord. 774 § 8; passed Dec. 19, 1892)

9.12.271 West end – System established.

There shall be and is hereby established a uniform system of numbering all houses, stores and other buildings (except accessory buildings) erected or to be erected within the city limits of all that part of the City of Tacoma lying south of the center line of South 19th Street and west of the center line of

Orchard Street. (Ord. 19694 § 2; passed Nov. 8, 1972)

9.12.272 West end – Designation of streets.

For convenience of location or address, all public rights-of-way lying south of the center line of South 19th Street and west of the center line of Orchard Street, running north and south or in a northerly and southerly direction, shall be known and designated as ___ West. All City of Tacoma rights-of-way within said area running east or west or in an easterly or westerly direction shall be known and designated as ___ Street West. (Ord. 19694 § 2; passed Nov. 8, 1972)

9.12.273 West end – Base line north and south.

The initial base line for numbering buildings on lots fronting upon streets running north and south shall be the center line of South 19th Street. The base number assumed for South 19th Street shall be 1900, and each block lying between streets parallel with South 19th Street shall be in a series of a hundred, having for its initial number the number of the street immediately north of said block. Thus, between South 19th Street and 20th Street West, the series will be 1900; between 25th Street West and 26th Street West, the series will be 2500. (Ord. 19694 § 2; passed Nov. 8, 1972)

9.12.274 West end – Base line east and west.

The initial base line for numbering buildings on lots fronting upon streets running east and west shall be Orchard Street. The base number assumed for Orchard Street will be 5100, and each block lying west of Orchard Street between streets parallel with said base line shall maintain a numbering system in conformance with the existing Pierce County numbering system. (Ord. 19694 § 2; passed Nov. 8, 1972)

9.12.275 West end – Lot numbers.

Every lot having a frontage on any street or avenue of 25 feet or less shall have one number, and every lot having a frontage of over 25 feet shall have an additional number for each additional 25 feet or fraction thereof. Every lot fronting upon streets running north and south shall be numbered consecutively from the north to the south, the odd numbers on the east and the even numbers on the west sides of the streets. Every lot fronting upon streets running east and west shall be numbered consecutively from the east to the west, the even

numbers on the south and the odd numbers on the north sides of the streets; the first lot north or west of a street shall receive the final figure “1” or “2” depending upon whether it shall be on the odd or even side of the street. (Ord. 19694 § 2; passed Nov. 8, 1972)

9.12.276 West end – Designation of number.

The base or initial number, as provided in Section 9.12.274, prefixed to the lot number, as provided in Section 9.12.275, shall constitute the number of the building on such lot. (Ord. 19694 § 2; passed Nov. 8, 1972)

9.12.277 West end – Buildings to be numbered.

All houses or buildings now erected shall be numbered as herein provided and all buildings hereafter erected shall be numbered before being occupied. (Ord. 19694 § 2; passed Nov. 8, 1972)

9.12.280 Prospect Hill – System established.

There shall be and is hereby established a uniform system of numbering all houses and other buildings (except sheds and outhouses) erected or to be erected within the limits of Prospect Hill in the City of Tacoma. (Ord. 3248 § 1; passed Feb. 27, 1908)

9.12.290 Prospect Hill – Base line north and south.

The initial base line for numbering buildings on lots fronting upon roadways running north and south on Prospect Hill shall be the north line of North 23rd Street, and the base number assumed for buildings on roadways running north and south shall begin with initial No. 1 on the east side of such roadways and continue in odd numbers; those on the west side shall begin with No. 2 and continue with even numbers for each lot or tract of land of a frontage of 25 feet. (Ord. 3248 § 2; passed Feb. 27, 1908)

9.12.300 Prospect Hill – Base line east and west.

The initial base line for numbering buildings on lots upon roadways running east and west on Prospect Hill shall be East Road, Prospect Hill, and all buildings facing on roadways running east and west shall be numbered with initial No. 1 and continue in odd numbers on the north side of such roadways, and begin with No. 2 on the south side of such roadways and continue in even numbers, for each 25 feet

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frontage on said roadways. (Ord. 3248 § 3; passed Feb. 27, 1908)

9.12.310 Violation – Penalties.

Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$300.00 or by imprisonment in the County Jail for a period not exceeding 90 days, or by both such fine and imprisonment. (Ord. 14706 § 7; passed Feb. 18, 1953)

Chapter 9.14

RAILROAD TRAINS

Sections:

- 9.14.010 Train crew.
- 9.14.020 Blocking use of street.
- 9.14.030 Switching during peak traffic hours.
- 9.14.040 Switching operations defined.
- 9.14.050 Speed limit.
- 9.14.060 Violation – Penalty.

9.14.010 Train crew.

It shall be unlawful for any brakeman or engineer or any other person, while engaged in switching operations, to move, operate, or propel any locomotive or the most forward car of any train, whether attached to a locomotive or not, on, along, over, or across any public crossing without having immediately preceding such most forward locomotive or car one man who shall, during all switching operations, give proper warning for the safety of persons upon or approaching such public crossing, except in cases where the locomotive precedes the other units of the train and said locomotive is equipped with an adequate flashing amber light or said crossing is protected by flashing lights and audible bell signals by traffic signals or vehicle stop sign.

While engaged in switching operations during periods when sight distance is less than 100 feet due to smoke, steam, or adverse weather conditions, the use of flares shall be mandatory at all non-signalized grade crossings. (Ord. 23003 § 1; passed Aug. 30, 1983)

9.14.020 Blocking use of street.

It shall be unlawful for the directing officer or the operator of any steam, electric, diesel, or diesel-electric railway train or car to direct the operation of or to operate the same in such a manner as to prevent or interfere with the use of any streets for the purposes of vehicular and pedestrian travel for a period of time longer than six consecutive minutes after the first vehicle or pedestrian arrives at the crossing, provided that, whenever a grade crossing is cleared, then all waiting vehicular and pedestrian traffic shall be allowed to cross before the railroad operations again obstruct the vehicular and pedestrian use of said grade crossing; provided, further, that compliance with government safety regulations, written railroad operating and safety rules, or an emergency creating a hazard to persons

or property shall excuse the failure to comply strictly with the above time limitations. (Ord. 23003 § 1; passed Aug. 30, 1983)

9.14.030 Switching during peak traffic hours.

Notwithstanding any other provisions of this chapter, no switching operations shall be allowed on or across Puyallup Avenue, East 11th Street, South 56th Street or East 72nd Street between the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m., except on Saturdays, Sundays, and legal holidays. (Ord. 23003 § 1; passed Aug. 30, 1983)

9.14.040 Switching operations defined.

Switching operations shall be defined as any of the following: The starting and stopping, coupling and uncoupling and/or moving back and forth of engines, trains, or parts of trains while in the process of making up or breaking up trains. (Ord. 23003 § 1; passed Aug. 30, 1983)

9.14.050 Speed limit.

Maximum allowed speed shall be no more than 25 m.p.h.; exceptions: 40 m.p.h. north and west of South 4th Street Bridge at Schuster Parkway to South 19th Street at south City Limits (Burlington Northern Main Line), and 35 m.p.h. at McCarver Street, 6th Avenue and South 19th Street main line crossings and, further, except passenger trains on the main line of Burlington Northern. (Ord. 24446 § 1; passed Oct. 3, 1989; Ord. 23003 § 1; passed Aug. 30, 1983)

9.14.060 Violation – Penalty.

The switchmen, switching foreman, or trainman in charge of and directing the operation of the train or part thereof who violates the provisions of this chapter shall be subject to a fine not exceeding \$100.00 upon conviction thereof. (Ord. 23003 § 1; passed Aug. 30, 1983)

Chapter 9.16

STREETS AND SIDEWALKS – KEEPING CLEAN

Sections:

- 9.16.010 Depositing loose advertising matter.
- 9.16.015 Advertising – Merchandising – Trash containers.
- 9.16.020 Scattering debris from vehicle.
- 9.16.030 Building fires and mixing building materials.
- 9.16.040 Sweeping and washing sidewalks.
- 9.16.050 Removal of snow and ice.
- 9.16.060 Violation – Penalty.

9.16.010 Depositing loose advertising matter.

It shall be unlawful for any person, firm or corporation to distribute, throw or deposit upon any street, alley or public place, or in or upon any vehicle thereon, or upon any private yard, lawn driveway, sidewalk, porch or steps of any residence, or upon or in any part of any structure or upon any vacant property in the City of Tacoma, any advertising sample, handbill, dodger, circular, booklet, paper or loose advertising matter of any kind or description; provided, however, that nothing in this section shall prohibit the distribution and delivery of any newspaper which is capable of being entered as second class matter under the provisions of the United States Post Office regulations of March 3, 1879, and other United States statutes. (Ord. 10697; passed Jun. 17, 1931; Ord. 6866 § 1; passed Oct. 2, 1918)

9.16.015 Advertising – Merchandising – Trash containers.

It shall be unlawful for any person to store, display, place, or cause or suffer to be stored, displayed or placed, any goods, wares, merchandise, or other articles or signs for purposes of sale, display, advertising or for any other purpose on any street, alley or sidewalk, including the space between the sidewalk and the street, curb or property line in the City of Tacoma, except while in the actual course of receipt or delivery thereof; provided, however, that the tenant or occupant of any ground floor room or store abutting upon a sidewalk may use and occupy such sidewalk for a distance of 18 inches immediately outside the property line for the display of goods, wares and merchandise and other articles; and provided further, where it is necessary to place garbage or trash containers upon a public sidewalk,

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alley or street to allow removal of such garbage and trash, such containers may be placed thereon for a reasonable period of time necessary for such removal; and further, excepting the use of said streets, alleys and sidewalks as may be otherwise specifically authorized by other City ordinances. (Ord. 16609 § 1; passed Jun. 12, 1960)

9.16.020 Scattering debris from vehicle.

It is unlawful for any person, firm, or corporation to allow or cause to be allowed any tracking of debris over or along any public street or sidewalk by vehicles leaving their property. As used herein, the word "debris" includes, but is not limited to: mud, dirt, gravel, dust, wood, or building materials dropped by vehicles entering or exiting property adjacent to a public street or sidewalk. (Ord. 23781 § 1; passed Feb. 17, 1987; Ord. 6866 § 2; passed Oct. 2, 1918)

9.16.030 Building fires and mixing building materials.

It is unlawful for any person to build a fire, slack lime, mix mortar, or place any sand or gravel, building material or other substances upon any sidewalk, street or alley in the City without first obtaining a permit so to do from the Director of Public Works. And whenever a fire is built or lime is slacked, or mortar is mixed, or sand or gravel or other like building material is deposited upon any sidewalk or paved streets, the same shall be done in such a manner as to prevent injury to such sidewalk or pavement and to prevent the materials from coming in contact therewith or being scattered thereon. (Ord. 6866 § 3; passed Oct. 2, 1918)

9.16.040 Sweeping and washing sidewalks.

It shall be the duty of the person having charge or control of any premises within the City to keep the walk or walks along the property in the street or streets adjacent thereto in a clean condition. (Ord. 24239 § 1; passed Nov. 29, 1988; Ord. 6866 § 4; passed Oct. 2, 1918)

9.16.050 Removal of snow and ice.

It shall be the duty of every person having charge or control of any premises located within the City of Tacoma to remove or cause to be removed from the public walks along the side or in front of the premises all snow or ice which may have formed or been deposited therein within 24 hours after the same has fallen or been formed, and shall also cause such snow or ice to be removed from the gutter in front of such walk for a sufficient width to allow the water to

run freely therein. (Ord. 6866 § 5; passed Oct. 2, 1918)

9.16.060 Violation – Penalty.

Any person violating any of the provisions hereof shall be, upon conviction thereof, fined in any sum not exceeding \$300.00 or imprisoned in the County Jail for a period of not exceeding 90 days, or both, in the discretion of the Court. (Ord. 10697; passed Jun. 17, 1931; Ord. 6866; passed Oct. 2, 1918)

Chapter 9.17

PRIVATE USE OF STREET RIGHT-OF-WAY

Sections:

- 9.17.010 Street right-of-way – Duty of owner and/or occupant of property abutting public right-of-way.
- 9.17.020 *Repealed.*
- 9.17.030 Severability.

9.17.010 Street right-of-way – Duty of owner and/or occupant of property abutting public right-of-way.

A. Abuttor's Duty. It shall be unlawful for the owner and/or any person, firm, or corporation occupying or having charge or control of any premises abutting upon any street, alley, or other public right-of-way within the City of Tacoma to cause or contribute to a physical condition of the public right-of-way by constructing, placing, causing, creating, maintaining, or permitting to remain upon any part of the right-of-way lying between the curb line or, if there is no curb line, then between the adjacent edge of the traveled portion of the street roadway and abutting property line, any thing, structure, or condition dangerous or hazardous to the use of the right-of-way by the public, including, but not limited to, the following:

1. Defective sidewalk surfaces, including, but not limited to, broken cement or stub-toes and depressions within or between sidewalk joints;
2. Defective cement surfaces placed adjacent to the public sidewalk or defects at the juncture between said cement surfaces and the public sidewalks, including stub-toes or depressions at the junction;
3. Defects in sidewalks or public ways caused or contributed to by the roots of trees located either on private adjoining property or on the planting strip portion of the street right-of-way;
4. Defective conditions caused by tree limbs, foliage, brush, or grass on or extending over public sidewalks;
5. Defective conditions on the planting strip area between the curb line and the sidewalk or, if there is no curb line, then between the edge of the traveled portion of the street and the sidewalk and between the sidewalk and the abutting property line;
6. Defects resulting from accumulation of ice and snow on public sidewalks or on the right-of-way between the curb line or, if there is no curb line, then

between the adjacent edge of the traveled portion of the street roadway and the abutting property line;

7. Defects consisting of foreign matter on the public sidewalks, including, but not limited to, gravel and oil thereon;
8. Defective handrails or fences or other similar structures within or immediately adjacent to the right-of-way area;
9. Basketball hoops, bicycle ramps, skateboard ramps or other similar structures or obstructions within the right-of-way area.

B. Removal of Created Obstructions. The City is authorized to remove structures or obstructions installed within the public right-of-way in violation of subsection 9.17.010.A.9 pursuant to the following procedure:

1. Procedure for Removal (Non-Emergency). If, seven days after the City sends written notice and posts notice on the object or thing itself to remove such object or thing, the property owner and/or person, firm, or corporation occupying or having charge or control of any premises abutting upon any street, alley or other public right-of-way within the City of Tacoma (hereinafter referred to as the "owner") has not removed the object or thing, the City Engineer may seize and impound the same. Failure to remove constitutes abandonment and waiver by the owner of such obstruction.
2. Impoundment. The seizure shall be made by the City Engineer, or under his/her direction by an employee of the City Public Works Department, or by any police officer. The person making such seizure shall take such object or thing and store, impound and detain the same at any City storage yard or building until the same is redeemed or sold. The City shall not be responsible for any damages to such object or thing during removal and/or storage.
3. Auction. If, after more than five days have elapsed since the seizing and impounding of any such object or thing, the same is not redeemed by and released to the owner by payment of costs and fees, the City shall give written notice informing the owner that all City costs must be paid within 60 days if the owner wishes to reclaim it. If, after more than 60 days have elapsed since the seizing and impounding of the object or thing, the owner has not reclaimed such object or thing, the City Engineer will either auction or dispose of such object or thing in a manner determined by the City Engineer. If auctioned, the City Engineer shall give 15 days' notice, by publication in the official newspaper of the City, of the time and place where the City will offer such object or thing for sale at public auction, unless for

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good and sufficient reason the period of sale be postponed. When sold, proceeds shall be used to pay all expenses incurred by reason of the seizure and impounding and all other necessary expenses incurred by the advertising and sale of the same, and any residue shall be paid into the City Treasury.

4. Notice of Sale. The notice of sale shall describe with reasonable clarity the object to be sold and shall state the name of the reputed owner, if known to the City Engineer. If the owner is unknown, the notice shall so state. A copy of such notice shall be sent to the owner, if known, at least four days prior to the sale.

5. Redemption. At any time within six months after the date of sale, the owner thereof, upon proper application to the City Treasurer, and upon presentation of satisfactory proof that he/she was the owner of the object or thing sold, shall receive the residue of the proceeds of such sale, after the necessary expenses have been deducted. If, at the expiration of six months, the former owner shall not have applied to the City Treasurer as provided in this section, the residue of the proceeds of such sale shall be deposited into the General Fund.

6. Miscellaneous.

a. "Cost" means out-of-pocket expenses as well as those attributed to personnel, including administrative overhead, which shall be presumed to be 15 percent.

b. If no sale is consummated or the object is determined to be of less value than the anticipated expense to the City of sale, the City shall dispose of such object in a manner determined by Section 1.06.264 of the Tacoma Municipal Code.

c. Notice shall be deemed effective upon deposit of the written form in the U.S. mail, first-class postage prepaid.

If a person other than the owner described in subsection 9.17.010.B.1 establishes ownership of the object subject to impound to the satisfaction of the City Engineer, all notices shall thenceforth be provided to that person.

C. Removal – Emergency. The foregoing shall not impair, and the City Engineer is hereby authorized to make, emergency removal of any obstruction which constitutes an imminent risk of harm to public safety. Any obstruction determined by the City Engineer to be imminently dangerous may be forthwith removed, and the removal in no event shall constitute a breach of the peace or trespass. Subsequent to emergency removal, the procedures set forth in subsection 9.17.010.B shall be followed for objects

or things described in subsection 9.17.010.A.9. (Ord. 25911 § 1; passed Jul. 2, 1996)

9.17.020 Liability of abettor.

Repealed by Ord. 25911

(Ord. 25911 § 2; passed Jul. 2, 1996; Ord. 18361 § 2; passed Sept. 5, 1967)

9.17.030 Severability.

The provisions of this chapter are hereby declared to be separate and severable, and the invalidity of any clause, sentence, paragraph, subdivision, section or portion of this chapter, or the invalidity of the application hereto to any person or circumstance, shall not affect the validity of its application to other persons and circumstances. (Ord. 25911 § 3; passed Jul. 2, 1996)

Chapter 9.18

TREES AND SHRUBS – TRIMMING AND REMOVAL

Sections:

- 9.18.010 Permit to trim.
- 9.18.020 Investigation and issuance of permit.
- 9.18.030 Guarding against damage from construction work.
- 9.18.040 Violation of Sections 9.18.010 through 9.18.030 – Penalties.
- 9.18.050 Removal of trees and shrubs obstructing sidewalk or street.
- 9.18.060 Notice to remove.
- 9.18.070 Service of notice.
- 9.18.080 Hearing by City Council.
- 9.18.090 Cost of removal.
- 9.18.100 Lien.
- 9.18.110 Failure to remove – Penalty.
- 9.18.120 Chapter cumulative.

9.18.010 Permit to trim.

It is unlawful for any person, firm or corporation to, in any manner, remove, destroy, or cut any tree or shrub now or hereafter planted within the limits of any street or alley in the City of Tacoma without having first obtained a permit so to do from the Director of Public Works of the City of Tacoma. (Ord. 10808; passed Feb. 10, 1932; Ord. 9071 § 1; passed Jan. 27, 1927)

9.18.020 Investigation and issuance of permit.

Such permit shall be granted only after investigation by an inspector appointed by the Director of Public Works, and shall in no case be granted where the removal, destruction, or cutting of any such tree or shrub will destroy the symmetry of the tree or shrub plantings upon the street or alley where located, unless such tree or shrub is dead, unsightly or a menace to the public or to public utilities. Any such permit for the removal or destruction of any such tree or shrub shall require that the same be cut out at least eight inches below the surface of the ground. (Ord. 9071 § 2; passed Jan. 27, 1927)

9.18.030 Guarding against damage from construction work.

Any person, firm or corporation engaged in the construction, alteration or repair of any building or

portion thereof in the City of Tacoma shall, prior to the commencement of such construction, place proper guards around trees and shrubs located within the limits of streets and alleys where such construction, alteration or repair is being carried on, to effectually protect trees and shrubs from damage or injury. (Ord. 9071 § 3; passed Jan. 27, 1927)

9.18.040 Violation of sections 9.18.010 through 9.18.030 – Penalties.

Any person violating any of the provisions of Sections 9.18.010 through 9.18.030 shall, upon conviction thereof, be fined in any sum not exceeding \$100.00 or be imprisoned in the County Jail for a period not exceeding 30 days, or be both so fined and imprisoned. (Ord. 9071 § 4; passed Jan. 27, 1927)

9.18.050 Removal of trees and shrubs obstructing sidewalk or street.

All trees, plants, shrubs, or vegetation, or any parts thereof which overhang any sidewalk or street in such manner as to obstruct or impair the free and full use of the sidewalk or street, including interruption or interference with the clear vision of pedestrians or persons operating vehicles, interference with poles, wires, pipes, fixtures, or any part of any public utility situate in said street, or which are a fire hazard or a menace to public health, safety, or welfare, shall be removed or destroyed by the owner of the property upon which they are situate. (Ord. 24040 § 1; passed Mar. 29, 1988; Ord. 13621 § 1; passed Jun. 1, 1949)

9.18.060 Notice to remove.

Whenever, in the opinion of the director of the department of the City of Tacoma charged by the City Charter with the control of the matter, any trees, plants, shrubs or vegetation or parts thereof should be removed or destroyed for any of the reasons set forth in Section 9.18.050 hereof, he shall cause a notice to be served on the owner of said property in the manner hereinafter set forth. Such notice shall describe the property involved and the condition to be corrected and shall require that the owner cause the condition to be corrected within such period of time as shall be designated in said notice, which shall in no event be less than five days. The notice shall further provide that if said condition is not corrected within the time specified, after the termination of said period of time, and on a date specified in such notice, a resolution will be presented to the City Council to provide for the removal or destruction of said trees, plants, shrubs, vegetation or parts thereof, and the cost of said removal or destruction become a charge against the owner and a lien against the property. (Ord. 13621 § 2; passed Jun. 1, 1949)

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9.18.070 Service of notice.

The notice provided for in Section 9.18.060 hereof shall be served by delivering the notice or a copy thereof to the owner personally, or by leaving the same at his place of residence with a person of suitable age or discretion or, if said owner is not a resident of the City of Tacoma, by leaving the same with the agent handling said property or the tenant in possession thereof; or, if there be no such agent or tenant, by posting a copy of the notice in a conspicuous place on the premises involved and mailing a copy thereof to the owner at his last known place of residence. (Ord. 13621 § 3; passed Jun. 1, 1949)

9.18.080 Hearing by City Council.

If the conditions described in said notice have not been corrected prior to the time specified therein, a resolution shall be presented to the City Council on the date designated in the notice therefor, which resolution shall provide that the Department of the City of Tacoma named therein shall, after the date set therein, forthwith cause the removal or destruction of the vegetation, or any part thereof, as specified or complained of in said notice. Upon introduction of the resolution, the owner shall be entitled to be heard and to show cause, if any, why the vegetation or such part thereof should not be removed or destroyed. The finding of the City Council determining that the vegetation described in the notice is or is not a nuisance shall be conclusive. If the City Council finds that the same is a nuisance and the owner has appeared at the hearing thereon, the owner may, in the discretion of the Council, be given such additional time as may be specified by the Council to abate the nuisance. (Ord. 13621 § 4; passed Jun. 1, 1949)

9.18.090 Cost of removal.

Whenever, after authorization by resolution of the City Council, any trees, plants, shrubs or vegetation, or parts thereof, are removed or destroyed, the department causing the removal or destruction thereof shall keep an accurate record of the necessary costs thereof and said costs shall become a charge against the owner and a lien against the property as authorized by RCW 35.21.310. (Ord. 13621 § 5; passed Jun. 1, 1949)

9.18.100 Lien.

Notice of the lien herein authorized shall, as nearly as practicable, be in substantially the same form, filed with the same officer within the same time and manner, and enforced and foreclosed as is provided

by law for liens for labor and material. (Ord. 13621 § 6; passed Jun. 1, 1949)

9.18.110 Failure to remove – Penalty.

The owning or maintaining of any trees, plants, shrubs, vegetation, or parts thereof, in the manner described in Section 9.18.050 is hereby declared to be a public nuisance. Anyone violating the provisions of this chapter by failing to abate such nuisance within the time specified in the notice hereinbefore described or within the time set by resolution of the City Council, whichever time may be later, shall, upon conviction thereof, be guilty of a misdemeanor and shall be punished by a fine not exceeding \$300.00 or by imprisonment in the County Jail for a period not exceeding 90 days, or by both such fine and imprisonment. (Ord. 13621 § 7; passed Jun. 1, 1949)

9.18.120 Chapter cumulative.

The provisions of this chapter shall not be exclusive and are supplemental and additional to other ordinances covering the same or similar subject matter. (Ord. 13621 § 8; passed Jun. 1, 1949)

Chapter 9.19

TREES AND SHRUBS – PLANTING

Sections:

- 9.19.010 Permit.
- 9.19.020 Conformance with surrounding property.
- 9.19.030 Types of trees prohibited.
- 9.19.040 Types of trees permitted.
- 9.19.050 Industrial and commercial areas.
- 9.19.060 Special permit.
- 9.19.070 Application for special permit.
- 9.19.080 Requirements for issuance of special permit.
- 9.19.090 Penalty for violation.

9.19.010 Permit.

It shall be unlawful for any person, firm or corporation to hereafter plant any tree or shrub in any parking strip or public place in any residential area in the City of Tacoma without first securing a permit from the City Manager. (Ord. 16610 § 1; passed Jul. 12, 1960)

9.19.020 Conformance with surrounding property.

All trees and shrubs hereafter planted in any parking strip or other public place in any residential area in the City of Tacoma shall generally conform as to species, types, and location of any trees or shrubs adjacent to the property to be planted. (Ord. 16610 § 1; passed Jul. 12, 1960)

9.19.030 Types of trees prohibited.

It shall be unlawful to plant in any parking strip or public place in any residential area of the City of Tacoma any of the following trees: Poplar, Willow, Cottonwood, Fruit Trees (except ornamental types), Nut Trees, Mountain Ash, Oregon or Big Leaf Maple or any other type or species of tree having any growth characteristic similar to those set forth above. (Ord. 16610 § 1; passed Jul. 12, 1960)

9.19.040 Types of trees permitted.

The following named trees shall be permitted in the parking strips or public places of any residential area: Acer monspessulanum ('Montpelier maple'), Acer platancides "Cleveland" ('Pyramidal Norway maple'), Acer pseudoplatanus ('planetree or sycamore maple'), Betula alba ('European white birch'), Carpinus betulus fostigiata ('upright European hornbeam'), Ginkgo biloba ('Japanese

maidenhair tree'), Gleditsia triacanthoe inermis ('thornless honey locust'), Liquidambar styraciflua ('American sweet gum'), Lireodendron tulipifera ('tulip tree'), Ostrya virginiana ('American hophornbeam'), Platanus acerifolia ('sycamore London plane'), Quercus borealis ('northern red oak'), Tilia cordata ('littleleaf European, linden'), Ulmus americana columnaris ('American ascending elm'), Ulmus carpinifolia "Buisman" ('buisman elm'), Acer campestre ('hedge maple'), Acer davidi ('David's maple'), Aesculus carnea ('red horsechestnut'), Carpinus caroliniana ('American hornbeam'), Crataegus oxyacantha pauli ('Paul's scarlet hawthorn'), Crataegus phaenopyrum ('Washington thorn'), Magnolia kobus ('Kobus magnolia'), Malus apectabilis riversi ('rivers crabapple'), Malus icensis piena ('Bechtel crab'), Quercus coccines ('scarlet oak'), Quercus palustris ('pin oak'), Prunus Vesuvius or Thundercloud ('purpleleaf plum'), Prunus serrulata Shiro-fugen ('flowering cherry'), Prunus serrulata Kwanzan ('Kwanzan flowering cherry'), Prunus sargentii ('Sargen's cherry'). (Ord. 16610 § 1; passed Jun. 12, 1960)

9.19.050 Industrial and commercial areas.

It shall be unlawful for any person, firm or corporation to erect or maintain any shrub, plant, structure or container of any type or nature whatsoever for the purpose of beautifying any street or sidewalk upon, over, along or across any street or sidewalk in a business, industrial or commercial area, as defined in Title 13 of this Code, except when authorized by a public street beautification permit issued pursuant to a proper application, and subject to the terms and regulations of this chapter. (Ord. 16610 § 1; passed Jul. 12, 1960)

9.19.060 Special permit.

The City Manager, or his authorized representative, is authorized to issue a special street beautification permit for the construction, erection or planting of trees, shrubs, containers or structures of every type or nature whatsoever used to beautify certain streets or sidewalks in business, industrial or commercial areas. (Ord. 16610 § 1; passed Jul. 12, 1960)

9.19.070 Application for special permit.

Before any special street beautification permit shall be issued, the applicant or applicants therefor shall file a written application with the proper officers of the City of Tacoma, which application shall contain the following information, together with such other information as may be requested by the City of Tacoma:

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A. Detailed plans and specifications showing the construction, location, size, materials of construction, height, if any, above the roadway or sidewalk, proposed plants or vegetation in the event trees or shrubs are to be utilized, and all other details concerning the proposed improvement.

B. The names and addresses of any and all persons participating in the street beautification program.

C. The extent or area of the district or section of the streets or sidewalks encompassed within the beautification program, together with the location of trees, shrubs, structures or containers in the district or area. (Ord. 16610 § 1; passed Jul. 12, 1960)

9.19.080 Requirements for issuance of special permit.

Any special street beautification permit issued pursuant to this chapter shall be subject to the following regulations, in addition to any specially recommended by the City of Tacoma after studying the plans submitted in the application:

A. The application must be filed by or on behalf of an association, trade bureau, person or group of persons desiring to beautify a portion or segment of the City of Tacoma.

B. The beautification endeavor shall be sponsored by a group or association and shall be on a group basis, area basis, or district basis, and nothing contained herein shall permit individual property owners to beautify only that segment of the street right-of-way abutting their individual properties; provided, however, that, should any such group of individual owners act in concert, then they may be granted such authority individually, provided that their individual operation constitutes an integral part of a proposed or completed scheme in the district or area.

C. Any beautification program attempted shall be of such a nature as to be uniform with the beautification program, if any, adjacent to the area to be improved, or shall be a standard type program conforming to beautification programs throughout the City of Tacoma.

D. Any such beautification program shall not include any advertising matter extolling the virtues of an area, group or business, and any such project shall be absolutely devoid of any advertising material imprinted thereon and shall be constructed without placards or insignia designating any particular private enterprises.

E. Before any group of persons or association shall be granted a permit, they shall procure and maintain during the existence of any such permit an insurance policy or policies with limits of not less than \$100,000.00/300,000.00 for injuries to persons and \$50,000.00 for injuries to property, naming the City of Tacoma as an additional insured on said policy, which policy of insurance shall be approved in writing by the City of Tacoma.

F. Any such project shall obtain specific clearance from the Traffic Engineering Division of the City of Tacoma and from the Tacoma Police Department, to the effect that there will be no interference with pedestrian or vehicular traffic in the area, and that any potential hazards will be minimized or eliminated.

G. The person or persons constructing such a project shall specifically agree to maintain the project during the existence thereof in a good and workmanlike manner, and, in the event of their failure to so maintain the project, the City shall have the right, at the expense of the applicant, to maintain or remove the same, and it shall be promptly reimbursed for all expenses so incurred. (Ord. 16610 § 1; passed Jul. 12, 1960)

9.19.090 Penalty for violation.

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to payment of a fine in an amount not exceeding \$300.00, or subject to imprisonment in the County Jail for a period not exceeding 90 days, or both such fine and imprisonment. (Ord. 16610 § 1; passed Jul. 12, 1960)

Chapter 9.20

TREES AND SHRUBS – VIEW BLOCKAGE

Sections:

- 9.20.010 Intent.
- 9.20.020 Applicability.
- 9.20.030 Definitions.
- 9.20.040 Approval to prune or remove.
- 9.20.050 Request.
- 9.20.060 Investigation and issuance of determination.
- 9.20.070 Violation – Penalty.

9.20.010 Intent.

The City of Tacoma is located on a steep-cliffed peninsula with spectacular views from many vantage points. In the city’s parks, open space areas, and along the streets are many trees which add to the natural beauty of the area. It is important that these views and trees be protected and preserved for their contribution to the quality of life in Tacoma. It is the intent of this chapter to provide regulations to preserve vegetation and views within the city. This can be partially accomplished by controlling how and when pruning or vegetation removal can occur on public property and, in specific instances, by allowing individuals to provide for the pruning or removal of vegetation on public property.

In determining whether or not vegetation should be pruned or removed for view purposes, the value of the view and the vegetation, including such factors as wildlife habitat protection, air pollution control, noise pollution reduction, soil and water quality protection, and climate control must be considered and all interests should be balanced in that none is considered more important than the others.

Additional intents of this chapter are protecting the public investment in real property and minimizing potential liability by properly managing vegetation on City-owned property. (Ord. 24945 § 1; passed Jul. 16, 1991; Ord. 24710 § 1; passed Aug. 28, 1990)

9.20.020 Applicability.

This chapter shall apply to all City-owned property, both General Government and Department of Public Utilities, including, but not limited to: rights-of-way, open space, and property used for facilities, unless specifically stated otherwise. This chapter shall apply to requests to prune or remove vegetation which is impairing view. Requests concerning safety or non-view issues are covered by Chapter 9.18.

(Ord. 24945 § 2; passed Jul. 16, 1991; Ord. 24710 § 1; passed Aug. 28, 1990)

9.20.030 Definitions.

A. “Developed right-of-way” means the area between the right-of-way line and the nearest edge of the street or alley. Such right-of-way does not include medians. To be considered developed, the abutting street or alley must be officially recognized by the City of Tacoma.

B. “Open space” means any space or area characterized by natural scenic beauty and/or existing openness, natural condition, or present state of use, such as a steep slope or gulch. If retained, these areas would enhance the present or potential value of surrounding urban development, or would maintain or enhance the conservation of natural and scenic resources. The term “natural” as it relates to vegetation is intended to mean native vegetation.

C. “Pruning” means the removal of plant parts, dead or alive, in a careful and systematic manner so as to not damage other parts of the plant. Pruning is most often performed for the purposes of improving the health, structure, aesthetics or safety of the vegetation, but may also be performed for other reasons. Pruning includes limbing up, thinning to create viewing windows through the vegetation, shaping, trimming, and removal of dead, decaying or diseased branches. (Ord. 24710 § 1; passed Aug. 28, 1990)

9.20.040 Approval to prune or remove.

It is unlawful for any person, firm, or corporation to, in any manner, remove, destroy, or prune any vegetation on City-owned property for the purpose of view preservation without having first obtained approval from the City Engineer; provided, however, that such approval is not required for pruning vegetation which is less than 15 feet in height and located on developed or undeveloped right-of-way abutting the property of the individual performing or requesting the pruning; and provided, further, that in addition to approval from the City Engineer, permission to prune or remove any vegetation on developed or undeveloped right-of-way must be obtained from the owner of the abutting property, if other than the individual requesting the work. (Ord. 24710 § 1; passed Aug. 28, 1990)

9.20.050 Request.

A written request must be submitted by the individual who desires pruning or removal of vegetation from public property. The request must be submitted on a

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form designated by the Department of Public Works, and must include the following:

- A. Vegetation location.
- B. Photograph of vegetation.
- C. A statement of the problem.
- D. Proposed solution.
- E. If the vegetation is located on developed or undeveloped right-of-way, and if the individual requesting the work is not the owner, written permission from the owner of abutting property to prune or remove vegetation.
- F. Name of company or individual to perform work.

All requests shall include a deposit amount equal to the estimated cost of performing the investigation and issuance of determination by Public Works as required under Section 9.20.060 of this chapter. A base fee of \$250.00 shall be charged for each request. After completion of all work identified under Section 9.20.060 of this chapter, any unexpended balance of said deposit in excess of \$250.00 shall be refunded; or, if, for any reason, the charges exceed the amount of the deposit, the balance due shall be paid by the applicant to the City. (Ord. 24945 § 3; passed Jul. 16, 1991; Ord. 24710 § 1; passed Aug. 28, 1990)

9.20.060 Investigation and issuance of determination.

A. Review by City Engineer. The request will be reviewed and approved or denied by the City Engineer or his or her designee. If the request involves vegetation which, through pruning or removal, may come into contact with utility lines, the request must be reviewed by the Light Division, Public Utilities, and such division may comment on the request and recommend conditions of any approval. Any request may be referred for review and recommendation to a committee which shall include members of the general public who reside within the City of Tacoma and one representative each from the Community and Economic Development Department, Public Works Department, Public Utilities Department, and Metropolitan Park District. City staff members of the committee shall have knowledge, background, or training in arboriculture, forestry, horticulture, landscape architecture, or other closely related field. The City Engineer may utilize the services of a consulting arborist or forester as needed. The following will be considered by the City Engineer or his or her designee and the committee:

1. The purpose for which the property was acquired by the City.
2. Consistency with the comprehensive plan.
3. The view benefit.
4. The vegetation benefit.
5. The extent of the view and the view impairment.
6. The quality or type of view.
7. The value, type, and amount of the vegetation.
8. Overall quality and density of the vegetation.
9. The potential impacts on the future aesthetic quality of the area.
10. The potential impacts on the planting symmetry upon the street or alley where located.
11. The aesthetic and health impacts of pruning or removal on the vegetation.
12. Potential environmental impacts on soils, slope stability, native wildlife habitat and other vegetation, urban runoff, and wind and sound barrier protection.
13. Potential for replacement with more suitable vegetation.
14. Special consideration for native vegetation in open-space areas.
15. Special consideration for unique varieties, vegetation of great age, rare vegetation, or vegetation of horticultural or historical significance.
16. Proximity to overhead power lines, both primary and secondary.
17. That, because topping of trees can cause permanent damage by promoting unnatural, dense and weak branching structure, topping shall not be approved unless there is no other reasonable alternative for adequate control. Removal and/or replacement is preferable to topping.

The determination of the City Engineer shall be set forth in a written order containing findings of fact and conclusions which support such decision, and which demonstrate that the decision is consistent with the above-noted applicable factors and the intent of this chapter. The City Engineer shall issue his decision within 30 days of receipt of the request; provided, however, that, upon a finding of the existence of unusual circumstances, the City Engineer may extend said 30-day time period. The determination may contain conditions necessary to mitigate the impact of the approval. The determination shall also indicate the time period in which the approved work must be performed, which

time period shall not exceed one year and may be further defined so as to minimize damage to vegetation, or for other purposes. The determination shall contain a note that the approval is for one time only and that any future requests concerning the same or other vegetation must be submitted to the City Engineer.

B. Notice. Notice of an application filed under provisions of this chapter shall be mailed by first class mail to owners of property (as indicated by the records of the Pierce County Assessor) within 400 feet from the property for which the application is filed, and to qualified neighborhood or community organizations and the Beautification Committee, allowing for comments to be made to the City Engineer prior to making a decision. Notice of the determination regarding the vegetation shall be mailed to the applicant by certified mail and provided to the City official responsible for the property. Notice of the determination shall also be mailed by first-class mail to owners of property (as indicated by the records of the Pierce County Assessor) within 400 feet from the property for which the determination was requested, and to qualified neighborhood or community organizations.

C. Reconsideration. Any aggrieved person having standing under the ordinance governing such notices of determination and believing that the determination of the Engineer is based on errors of procedure or fact may, within 15 days of the issuance of the notice, make a written request for review by the Engineer. This request shall set forth the alleged errors, and the Engineer may, after further review, take such further action as he deems proper, and may render a revised determination.

D. Appeal. The applicant property owner, owners of property, or any qualified neighborhood/ community organization entitled to receive a notice of determination of the City Engineer may, within 15 days of the issuance of the notice, or within seven days of the date of issuance of the Engineer's decision on a reconsideration, appeal the decision to the Hearing Examiner. Such appeal shall be in accordance with Chapter 1.23. A fee of \$125 shall accompany any appeal of determination of the City Engineer or designee made to the Hearing Examiner.

E. Costs. The cost of any work approved shall be paid by the individual requesting the action. Also, the value of any vegetation completely removed shall be determined by the City Engineer or designee and one-half of such value shall be paid to the City by the individual; provided, however, that an individual requesting that vegetation be removed from a developed or undeveloped right-of-way abutting such

individual's own property shall not have to pay the value of the vegetation. The value of the vegetation shall be determined by using the Guide for Establishing Values of Trees and Other Plants, International Society of Arboriculture, for guidance.

Money paid to the City for the value of the vegetation shall be placed in a fund according to the ownership of the property. If the property is owned by the Public Utilities Department, then the money shall go to Public Utilities. Money paid for vegetation removed from any other property shall be placed in a fund for planting and replacement of trees on City property.

F. Performance of Work. Any work approved must be performed by an established tree-service company with a City business license or, with specific approval from the City Engineer, by a private citizen. The work must be performed according to the National Arborist Association's Pruning Standards and must be done in such a manner as to minimize the potential for erosion or underbrush damage. The company or individual performing the work must enter into an indemnification agreement, in a form approved by the City Attorney, with the City. At his/her discretion, the City Engineer or his/her designee may require liability insurance and/or a performance bond.

G. Removed Vegetation. Any remaining roots or stumps shall be cut out at least eight inches below the surface of the ground. The City Engineer or his/her designee shall determine whether any removed vegetation must be taken off the site or may remain on-site. The individual requesting the pruning or removal shall be entitled to any removed vegetation.

H. Inspection of Site. Upon completion of the work, the site will be inspected by the City Engineer or his/her designee and any bond released upon his/her recommendation. (Ord. 27466 § 26; passed Jan. 17, 2006; Ord. 27079 § 5; passed Apr. 29, 2003; Ord. 26934 § 7; passed Mar. 5, 2002; Ord. 26386 § 25; passed Mar. 23, 1999; Ord. 24945 § 4; passed Jul. 16, 1991; Ord. 24710 § 1; passed Aug. 28, 1990)

9.20.070 Violation – Penalty.

The violation of any of the provisions of Chapter 9.20 shall constitute a civil infraction. Any person violating such provisions shall be penalized in a sum not exceeding the value of the vegetation pruned or removed plus \$1,000.00. Any money collected under this provision shall be placed in the General Fund. (Ord. 24710 § 1; passed Aug. 28, 1990)

Chapter 9.22

VACATION OF STREETS

Sections:

- 9.22.010 Petition to vacate authorized.
- 9.22.020 Presentation of petition – filing fee.
- 9.22.030 Report by the General Services Department.
- 9.22.040 Public’s right to travel – Utilities.
- 9.22.050 Filing petition with City Clerk – Resolution for submission to Council.
- 9.22.060 Notice of public hearing.
- 9.22.070 Public hearing.
- 9.22.080 Ordinance.
- 9.22.090 Compensation and appraisal fees.
- 9.22.100 Petition not granted or abandoned.

9.22.010 Petition to vacate authorized.

The owners of an interest in any real estate abutting on any street or alley who may desire to vacate any street or alley, or any part thereof, shall petition to the City Council to make vacation in the manner hereafter provided in this chapter and pursuant to Chapter 35.79 RCW, or the City Council may itself initiate by resolution such vacation procedure. The City Council shall require the petitioners to compensate the City in an amount which equals one-half of the appraised value of the area vacated; provided that if the street or alley has been a public right-of-way for 25 years or more, the City shall be compensated in an amount equal to the full appraised value of the area vacated; provided that when the vacation is initiated by the City or the City Council deems it to be in the best interest of the City, all or any portion of such compensation may be waived. Except as provided below, one-half of the revenue received hereunder shall be devoted to the acquisition, improvement, and maintenance of public open space land and one-half may be devoted to transportation projects and the management and maintenance of other City owned lands and unimproved rights-of-way.

In the case of vacations of rights-of-way in the tide flats area, defined as easterly of the Thea Foss Waterway (inclusive of the Murray Morgan Bridge), northerly of State Route 509 and westerly of Marine View Drive, the total of the revenue received hereunder shall be devoted to transportation projects in the tide flats area. (Ord. 27175 § 1; passed Dec. 16, 2003; Ord. 26386 § 26; passed Mar. 23, 1999; Ord. 20444 § 1; passed Jun. 10, 1975)

9.22.020 Presentation of petition – filing fee.

A. The petition and information forms shall be furnished by the Public Works Department, together with written instructions concerning the street vacation procedure. The petitioner shall fill out and complete the petition and any information forms, including the environmental checklist, and shall present it to the Public Works Department for approval as to form and content prior to payment to said department of a filing fee of \$500.

The purpose of this fee is to partially defray the normal administrative, engineering, and legal expenses in processing the petition for vacation. The Public Works Department, upon receipt of the filing fee, shall endorse upon said petition a receipt of payment of the filing fee, and, in addition, furnish the separate written receipt showing said payment. (Ord. 27466 § 27; passed Jan. 17, 2006; Ord. 27175 § 2; passed Dec. 16, 2003; Ord. 20444 § 1; passed Jun. 10, 1975.)

9.22.030 Report by the Public Works Department.

Upon receipt of each petition for processing as provided above, the Public Works Department shall prepare all necessary maps, check and certify the description of all properties involved, and make further investigation as may be necessary. The Public Works Department thereafter shall solicit, coordinate, and assemble the comments and recommendations of other City departments, including the Department of Public Utilities, Light and Water Divisions; and agencies having interest in the subject vacation, and shall prepare a report summarizing the Public Works Department’s findings and recommendations. The Public Works Department shall file said report, together with any other pertinent information regarding the street vacation request, with the Hearing Examiner at least seven days prior to the public hearing, which public hearing date shall be assigned by the Public Works Department and shall be in accordance with Section 9.22.050 hereof. Copies of said report shall also be mailed to the petitioner at least seven days prior to the hearing and shall be made available to any interested party at the cost of reproduction. (Ord. 27466 § 28; passed Jan. 17, 2006; Ord. 27175 § 3; passed Dec. 16, 2003; Ord. 26386 § 27; passed Mar. 23, 1999; Ord. 20444 § 1; passed Jun. 10, 1975)

9.22.040 Public’s right to travel—Utilities.

Vacation of any portion or portions of a street that is designated as an arterial under Section 11.05.490 of

the Municipal Code shall be of a minor nature only and shall not unreasonably limit the public's right to travel upon said street or interfere with the ancillary right to occupy said street for utility purposes. (Ord. 27175 § 4; passed Dec. 16, 2003; Ord. 22815 § 1; passed Nov. 23, 1982)

9.22.050 Filing petition with City Clerk – Resolution for submission to Council.

Upon a date for public hearing being assigned, the Public Works Department shall file the street vacation petition with the City Clerk, who shall cause notice of public hearing to be posted in accordance with Section 9.22.060 hereof, and shall also request a resolution for submission to the City Council. Such resolution shall fix the time when the petition shall be heard by the Hearing Examiner. (Ord. 27466 § 29; passed Jan. 17, 2006; Ord. 27175 § 5; passed Dec. 16, 2003; Ord. 20444 § 1; passed Jun. 10, 1975)

9.22.060 Notice of public hearing.

The Public Works Department shall cause a 30-day notice to be given of the pendency of the petition by a written notice posted in three of the most public places in the City, a like notice in a conspicuous place on the street or alley sought to be vacated, a like notice in a newspaper of general circulation in the City, and a like notice to the legal property owners of all property abutting the right-of-way requested for vacation as enumerated on the applicant's vacation petition, and to any other interested parties of record. In addition to posting notices of the hearing, the Public Works Department shall mail a copy of the notice to all owners and occupants of the property which lies within 300 feet of the street or alley to be vacated. The said notice shall contain the statement that a petition has been filed to vacate the street or alley described in the notice, together with a statement of the time and place fixed for the hearing of the petition. In all cases where the proceeding is initiated by the City Council without a petition having been signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated, notices shall be sent as provided above. Failure to send notice by mail to any such property owner where the current address for such property owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed street vacation. (Ord. 27466 § 30; passed Jan. 17, 2006; Ord. 27175 § 6; passed Dec. 16, 2003; Ord. 23262 § 1; passed Sept. 25, 1984; Ord. 22400 § 1; passed Jun. 2, 1981; Ord. 21771 § 1; passed Jul. 17, 1979; Ord. 20444 § 1; passed Jun. 10, 1975)

9.22.070 Public hearing.

A. The City Council hereby delegates the duty of conducting public hearings on street vacation petitions to the Hearing Examiner. Upon receipt of the completed petition for a street vacation and subsequent to the 30-day notice of public hearing pursuant to Section 9.22.060 hereof, the Hearing Examiner shall hold a full public hearing, take testimony, receive exhibits, and render a recommendation to the City Council upon such application, pursuant to the provisions of Chapter 1.23 of the Tacoma Municipal Code herein. The Hearing Examiner shall consider, among other things, the following criteria:

1. That the vacation will provide a public benefit and/or will be for a public purpose.
2. That the right-of-way vacation shall not adversely affect the street pattern or circulation of the immediate area or the community as a whole.
3. That the public need shall not be adversely affected.
4. That the right-of-way is not contemplated or needed for future public use.
5. That no abutting owner becomes landlocked or his access will not be substantially impaired; i.e., there must be an alternative mode of ingress and egress, even if less convenient.
6. That vacation of right-of-way shall not be in violation of RCW 35.79.035.

B. At the conclusion of the public hearing, the Hearing Examiner shall make available the verbatim electronic recording of the full hearing, together with the exhibits and his or her findings and conclusions, to the City Council for final action. (Ord. 27175 § 7; passed Dec. 16, 2003; Ord. 24294 § 1; passed Jan. 31, 1989; Ord. 20444 § 1; passed Jun. 10, 1975.)

9.22.080 Ordinance.

At the time appointed for consideration of the petition, which time shall not be more than 60 days after the passage of the resolution pursuant to Section 9.22.050 hereof or at such time as the matter may be adjourned to by the City Council, the same shall be considered, and if the City Council determines to grant said petition, or any part thereof, the City Council shall authorize by ordinance the vacation of such street or alley or any part thereof. Such ordinance may provide for the retention by the City of all easements or rights in respect to the vacated land for the construction or repair and maintenance of public utilities and services; provided that the City Council may, if no vested rights are

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impaired, modified, or changed, omit or add provisions or stipulations as conditions to the granting of petitions for vacation. When the City Council deems it to be in the best interest of the City, it may authorize refund of all or any part of the filing fee; provided that all conditions with respect to such vacations, as are determined by the City Attorney, shall be fulfilled prior to the time the ordinance vacating the street or alley is introduced for final reading. Upon final passage of the street vacation ordinance, copies shall be distributed by the City Clerk to all the City departments having an interest in the ordinance. (Ord. 27175 § 8; passed Dec. 16, 2003; Ord. 20444 § 1; passed Jun. 10, 1975)

9.22.090 Compensation and appraisal fees.

In all instances where compensation for the vacated right-of-way is herein provided, an appraisal of the right-of-way proposed for vacation shall be made. The City Attorney shall determine whether a fee appraiser shall be employed or whether qualified City staff personnel shall make such appraisal. When the appraisal is made by City staff personnel, a reasonable hourly rate shall be charged.

In those instances where compensation shall be payable, the petitioner shall, upon notice, remit the appraisal cost to the City Treasurer.

Upon securing the appraisal of the street or alley area to be vacated, the Public Works Department shall notify the petitioner or petitioners of the amount to be paid, and said amount shall be deposited with the City Treasurer within 90 days of said notice. Upon written notice to the Public Works Department that such deposit with the City Treasurer has been made or provided for, and all other conditions of the vacation have been met or provided for, the City Attorney shall prepare the vacation ordinance for presentation to the City Council for final reading. The vacation proceedings shall be abandoned in the event the petitioner or petitioners fail to make any of the payments for appraisal fees or compensation within the time limits as herein provided, or, if any other condition is not met within 90 days of said notice, unless good cause is shown for such delay. For good cause, a delay not to exceed 180 days may be granted. In the event that all conditions are not made within such 180-day extension, the vacation proceedings shall be abandoned. (Ord. 27466 § 31; passed Jan. 17, 2006; Ord. 27175 § 9; passed Dec. 16, 2003; Ord. 20803 § 1; passed Jul. 13, 1976; Ord. 20444 § 1; passed Jun. 10, 1975)

9.22.100 Petition not granted or abandoned.

In the event City Council approval on the petition for the requested vacation should not be granted, or such vacation proceedings should be abandoned by the petitioner, the petitioner shall be relieved from the obligation to fulfill conditions with respect thereto. In any event, the filing fee paid by the petitioner shall be retained by the City except as provided in Section 9.22.080 hereof. The Public Works Department shall notify the interested City departments if vacation proceedings are abandoned by the petitioner prior to City Council consideration of said petition. If the vacation is disapproved by the City Council or abandoned by the petitioner after Council consideration, such notification shall be given by the City Clerk. (Ord. 27466 § 32; passed Jan. 17, 2006; Ord. 27175 § 10; passed Dec. 16, 2003; Ord. 20444 § 1; passed Jun. 10, 1975)

Chapter 9.24

MINIMUM VERTICAL CLEARANCE

Sections:

- 9.24.010 Minimum vertical clearance established.
- 9.24.020 Violation – Penalty.

9.24.010 Minimum vertical clearance established.

There is hereby established a minimum vertical clearance of 16 feet upon Taylor Way, between a point at the corporate limits of the City of Tacoma in the southeast quarter of the southeast quarter of Section 36, Township 21 North, Range 3 East, W.M., proceeding northwesterly through the Tideflats area crossing Lincoln Avenue and proceeding further to a point at its termination and intersection with East 11th Street within the southwest quarter of the southwest quarter of Section 26, Township 21 North, Range 3 East, W.M., which public street of the City of Tacoma is hereby established as a part of the Defense Highway route through the City of Tacoma to the Port area. (Ord. 16893; passed Oct. 3, 1961)

9.24.020 Violation – Penalty.

Any person who shall erect or maintain any obstruction, structure, utility or service apparatus with less than the minimum vertical clearance shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding \$300.00 or by imprisonment in the County Jail for a term not exceeding 90 days, or both such fine and imprisonment. (Ord. 16893; passed Ord. 3, 1961)

Chapter 9.26

SPECIAL LIGHTING PERMITS

Sections:

- 9.26.010 Requirement.
- 9.26.020 Purpose.
- 9.26.030 Terms and conditions.
- 9.26.040 Revocation.
- 9.26.050 Expense of removal of lighting installations.
- 9.26.060 Penalty for violations.

9.26.010 Requirement.

It shall be unlawful for any person, firm or corporation to erect or maintain any light or light standard over or across any public street or alley, without having first obtained a special lighting permit in writing from the City of Tacoma. (Ord. 17542 § 1; passed Feb. 18, 1964)

9.26.020 Purpose.

A special lighting permit may only be issued for the purpose of illuminating open sales areas, including used car lots and other areas used for the outside storage of automobiles. (Ord. 17542 § 1; passed Feb. 18, 1964)

9.26.030 Terms and conditions.

The issuance and maintenance of any special lighting permit shall be subject to the following terms and conditions:

- A. Before any special lighting permit shall be issued, the applicant shall be required to file a detailed plan of the proposed installation, showing the size, height, materials used, location, manner of construction of the supporting standards, and any other information or data which may be requested by the Director of Public Works.
- B. Such lights and light standards shall be erected so as to maintain a minimum clearance of 20 feet above the ground.
- C. The vertical supporting structure shall not be located on or over the public right-of-way.
- D. No portion of the luminaire or supporting bracket shall extend beyond a point which is two feet measured horizontally on the property side of the curb or curblines of the adjacent street.
- E. The lights shall not be erected or maintained in such a manner as to interfere with a clear view of any

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traffic light or other traffic control device, or in any manner tending to confuse persons using the streets.

F. Lighting units shall be designed and installed in such manner that residential properties will not be subjected to direct light from such installations, and, in no event, shall unshielded bulbs be permitted.

G. Such lighting units shall in no way interfere with any lighting circuits or lines, or any other utility facilities, either public or private. Whenever it is necessary to move such facilities to accommodate lighting units, the relocation costs shall be borne by the permittee.

H. The Director of Public Works may promulgate rules and regulations which shall be consistent with, and assist him with, the administration of the issuance of permits pursuant to this chapter. (Ord. 17542 § 1; passed Feb. 18, 1964)

9.26.040 Revocation.

The permit herein provided for shall be a temporary permit and revocable at any time by the Director of Public Works. The continuance of the installation shall be consistent with the needs of the public in the use of the street right-of-way. In addition, the Director of Public Works may revoke the permit for any failure of the permittee to meet the terms and conditions specified in Section 9.26.030.

The Director, upon the revocation of the permit as herein provided, shall notify the permittee of the revocation by mailing written notice of such revocation to him at the premises covered by such permit. The permittee shall thereupon immediately proceed with the removal of the lighting installations covered by the permit, and complete such removal within 20 calendar days of the mailing of such notice, or within such further period of time as may be granted by the Director of Public Works. (Ord. 17542 § 1; passed Feb. 18, 1964)

9.26.050 Expense of removal of lighting installations.

The modification or removal of the lighting installations, either at the instigation of the permittee or pursuant to the direction of the Director of Public Works shall be at the sole cost and expense of the permittee. (Ord. 17542 § 1; passed Feb. 18, 1964)

9.26.060 Penalty for violations.

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor, and each of such persons shall be deemed guilty of a separate offense for each and every day or portion thereof in which any violation

of any of the provisions of this chapter is committed, continued, or permitted, and, upon the conviction of any such violation, shall be punished by a fine of not more than \$300.00 or by imprisonment in the County Jail for a period of not exceeding 90 days, or, in the discretion of the court, by both such fine and imprisonment. (Ord. 17542 § 1; passed Feb. 18, 1964)

Chapter 9.28

PEDESTRIAN MALL

Sections:

- 9.28.010 Purpose.
- 9.28.020 Location.
- 9.28.030 Vehicular traffic limited.
- 9.28.035 Vehicular traffic allowed.
- 9.28.040 Improvements on pedestrian mall.
- 9.28.050 Regulation of pedestrian mall.
- 9.28.060 Temporary vehicular use permit.
- 9.28.070 Shrubbled, flowered areas – Covering structures.
- 9.28.080 Activity event permits.
- 9.28.090 Procedure to obtain permit.
- 9.28.100 Interference with mall activity events operating under a permit.
- 9.28.110 Duration of permits – Additional activities authorized.
- 9.28.120 Appeals.
- 9.28.130 Responsibility of mall activity event sponsor.
- 9.28.140 Definition of mall activity event.
- 9.28.150 Definition of sponsor.
- 9.28.160 Other responsibilities of sponsor.
- 9.28.170 Contract with mall organization.
- 9.28.180 Violations – Penalties.

9.28.010 Purpose.

The purpose of this chapter is to establish a pedestrian mall in accordance with Chapter 35.71 RCW, to be used primarily by pedestrians, and the regulation and limitation of vehicular traffic thereon to afford maximum protection to such pedestrians. (Ord. 19520 § 1; passed Feb. 15, 1972)

9.28.020 Location.

The following streets, or portions thereof, hereinafter described shall be and are hereby included within, and are established as, a pedestrian mall:

That part of Broadway, formerly known as “C” Street, and that part of St. Helens Avenue lying south of South 9th Street, to South 11th Street and from South 11th Street to South 13th Street, described as follows:

A strip of land 80 feet in width 40 feet on either side of the following described center lines:

Beginning at a point on the center line of Broadway 28 feet south of the center line of South 9th Street, thence south along said center line 704 feet, more or

less, to a point 28 feet north of the center line of South 11th Street; also beginning at a point on the center line of Broadway 28 feet south of the center line of South 11th Street, thence south along said center line 704 feet, more or less, to a point 28 feet north of the center line of South 13th Street; also beginning at a point on the center line of St. Helens Avenue extended southeasterly 29.65 feet from the intersection of St. Helens Avenue and South 9th Street, thence southeasterly along the extension of St. Helens Avenue to the intersection with the center line of Broadway.

This description includes that part of right-of-way lying adjacent to Blocks 905, 906, 1105, 1106, and the Rainier Street vacation as per Ordinance No. 59 and projections thereof, as shown on the Map of New Tacoma, Washington Territory. (Ord. 19520 § 1; passed Feb. 15, 1972)

9.28.030 Vehicular traffic limited.

The pedestrian mall from South 9th Street to South 11th Street shall be closed to all vehicular traffic, and no person shall operate, drive, stop, stand or park any vehicle upon the pedestrian mall from South 9th Street to South 11th Street, except for the following vehicular uses:

- A. Use by emergency vehicles, such as police, fire and ambulance vehicles and vehicular use necessary for authorized governmental functions utilizing City governmental vehicles.
- B. Use by vehicles to provide the service of loading and unloading goods and produce for business establishments and retailers abutting upon the pedestrian mall; provided, however, that such service vehicular use shall be limited to the hours of 1:00 a.m. to 10:30 a.m.; and provided, further, that the operators of any such vehicle shall at all times watch for pedestrians within the pedestrian mall and yield the right-of-way thereto and such vehicles shall be operated upon the pedestrian mall in accordance with such speed limits and other rules and regulations as may from time to time be established by the City.
- C. Temporary vehicular use which is absolutely essential as determined by the City Manager or his authorized delegate for the repair of utilities and the repair, construction or reconstruction of buildings or other structures abutting the pedestrian mall; provided, however, that such vehicular use shall only be allowed after issuance of a proper permit by the City Manager, or his authorized delegate, in accordance with rules and regulations to be established by the City.

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D. Temporary vehicular use which is absolutely essential, as determined by the City Manager or his authorized delegate, for the carrying on of a mall activity pursuant to an activity permit duly issued pursuant to this chapter, said use to be as restricted in the activity permit issued thereunder. (Ord. 23183 § 1; passed May 22, 1984; Ord. 20088 § 1; passed Apr. 9, 1974; Ord. 19520 § 1; passed Feb. 15, 1972)

9.28.035 Vehicular traffic allowed.

The parking and operation of vehicles on that portion of the pedestrian mall between South 11th Street and South 13th Street hereafter developed and delineated as a roadway for vehicular use shall be in accordance with traffic regulations and ordinances as may from time to time be adopted by the City; provided, however, that the City reserves the right to again prohibit or limit vehicular traffic thereon by appropriate regulation or ordinance. That portion of the pedestrian mall between South 11th Street and South 13th Street which is maintained, developed, or delineated (by curbs or otherwise) for use primarily by pedestrians shall remain and be subject to all other provisions of this chapter, including, but not limited to, the vehicular use prohibitions as set forth in Section 9.28.030 hereof, and the exceptions to such prohibition for temporary use as set forth in subsections A, C, and D of Section 9.28.030 hereof. All or any portion of the pedestrian mall, including the traveled roadway portion on which vehicular use is to be allowed between South 11th Street and South 13th Street may, from time to time, be closed to vehicular or other use to allow the conduct of a mall activity event in accordance with a mall activity event permit, or as authorized by resolution of the City Council. (Ord. 23183 § 2; passed May 22, 1984)

9.28.040 Improvements on pedestrian mall.

In accordance with a plan or plans to be approved by the City, the City may provide for construction within or upon the pedestrian mall of improvements of any kind or nature necessary or convenient to the operation of the area as a pedestrian mall, including, but not limited to, paving, sidewalks, curbs, gutters, sewers, drainage works, street lighting facilities, fire protection facilities, water distribution facilities, retaining walls, landscaping, tree planting, statuary, fountains, benches, rest rooms, decorative structures, information booths, public assembly facilities, and other structures, works or improvements necessary or convenient to serve members of the public using such pedestrian mall, including the reconstruction or relocation of existing City-owned works or other existing improvements or facilities within or on the

pedestrian mall. (Ord. 19520 § 1; passed Feb. 15, 1972)

9.28.050 Regulation of pedestrian mall.

No action authorized or taken pursuant to this chapter shall be interpreted or construed to be a vacation or abandonment, in whole or in part, of any City right in the street included within and established as a pedestrian mall, it being intended that the establishment of a pedestrian mall pursuant to this chapter is a matter of regulation. Nothing in this chapter shall be interpreted or construed to prevent the City and its legislative body at any time subsequent to the adoption of this chapter from abandoning the operation of the pedestrian mall; from changing the extent of the pedestrian mall; from changing, amending or repealing any of the rules and regulations pertaining to the pedestrian mall; from providing for a special assessment as authorized by State law for the operation and maintenance of the pedestrian mall and appurtenances thereto, or from any other action which is or may be authorized pursuant to the City Charter and the laws of the State of Washington. (Ord. 19520 § 1; passed Feb. 15, 1972)

9.28.060 Temporary vehicular use permit.

Any person, firm, or corporation desiring to use the pedestrian mall area for temporary vehicular use as defined in Section 9.28.030.C shall first make application for a permit as herein provided:

A. Such application shall be in such manner, form, and content and shall include such information, as may be prescribed by the City Manager or his delegate.

B. It shall be the duty of the Director of Public Works or his representative to examine the application and determine the proper access route, the time when the route can be used, and any special precautions which may be necessary to safeguard the public or the mall structures and services. The City Manager or his delegate may impose such conditions as he deems reasonably necessary to protect public property and pedestrians within the mall area, including, but not limited to, the requirement that the applicant shall deposit with the City an amount equal to the City Engineer's estimate of the cost to restore any of the mall facilities which might or will be disturbed as a result of the vehicular use by the applicant. Nothing herein or in the permit shall be construed as a waiver of the requirements of any other applicable law or ordinance, including, but not limited to, Chapter 10.22 of the Official Code of the City of Tacoma.

C. Subsequent to the issuance of a permit as provided by the preceding subsection, the vehicle to which the permit pertains shall be operated only in accordance with the requirements of the permit. The permit shall be displayed on the vehicle in such a manner that it is readily visible from outside the vehicle. (Ord. 20088 § 2; passed Apr. 9, 1974)

9.28.070 Shrubbed, flowered areas – Covering structures.

No person shall enter into a shrubbed or flowered area or upon a covering structure in the mall area unless, by authority of the City, he does so for purposes of cleaning, maintenance or law enforcement, nor shall any person cut, remove or destroy any turf, tree, plant, shrub or flower in the mall area unless so authorized by the City. Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not exceeding \$50.00. (Ord. 20088 § 2; passed Apr. 9, 1974.)

9.28.080 Activity event permits.

Any person, group of persons, association, club, charity, school, firm, corporation, governmental organization, or others, may obtain a mall activity event permit as provided in Section 9.28.090. (Ord. 20088 § 2; passed Apr. 9, 1974)

9.28.090 Procedure to obtain permit.

A mall activity event permit may be obtained as follows:

A. Application for the permit shall be filed with the City Manager, his delegate, or City department designated by the City Manager.

B. The application shall be in manner, form and content, and shall include such information as may be prescribed by the City Manager or his delegate. The application may not be filed later than 14 days before the date set for the activity unless the City Manager or his delegate finds that later filing of the application is necessary in the interests of the applicant and the City.

C. In determining whether to grant a permit under this section and to subject the permit to conditions, the City Manager or his designee shall endeavor to:

1. Maintain the free flow of pedestrian traffic into, in and from the mall and into and from private premises in the vicinity of the mall;
2. Minimize danger to public health, peace and safety and to public and private property;

3. Preserve and enhance the aesthetic qualities of the mall;

4. Contribute to a variety of nonrepetitive activities in the mall and to various sponsorships of these activities;

5. Avoid extra administrative functions and expense for the City.

D. If the applicant requests City services which the City agrees to provide, then the City Manager or his delegate may impose a service fee or any other fee to cover the cost of City services applicable to the activity (including the cost of erecting barricades or providing police protection, if any) and the amount of any cleanup deposit required to cover the cost of cleaning the mall and removing debris upon termination of the activity if the applicant fails to do so. The issuance of such a permit may also be conditioned upon the filing of a policy of comprehensive liability insurance insuring the applicant and the City in such manner, form and amount as shall be prescribed and approved by the City Attorney. The fees to be charged and the amount of required deposit shall be in the discretion of the City Manager or as may be set from time to time by resolution of the City Council.

E. Each permit issued hereunder shall be in writing signed by the City Manager or his designee and shall set forth the following:

1. The names and addresses of each permittee;
2. The effective date of such permit and the expiration date thereof;
3. The date on or before which the activity shall cease;
4. A description of the activity;
5. The location on the mall where the activity will take place;
6. The fee charged or other charges, if any, for City services as set forth in subsection 9.28.090D above;
7. A statement signed by each permittee that he has read and understands such permit and all of the requirements, terms and conditions thereof and that he accepts and agrees to abide and be bound by the same;
8. When the City agrees at the request of the permittee to provide City services, then the permit will include a statement wherein the permittee agrees to appear for, defend, indemnify and hold harmless the City with respect to all claims, demands, actions or other proceedings in respect to all losses, costs and

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expenses of every kind, nature and source whatsoever arising out of or pertaining to the application for, or the exercise or enjoyment of, such permit or the existence or conduct of the activity referred to in such permit.

F. An activity event in the mall by permit granted in accordance with this section is to be carried on in accordance with whatever conditions the permit specifies. Failure to conform to the conditions shall constitute cause for summary revocation of the permit by any authorized officer of the City. (Ord. 20088 § 2; passed Apr. 9, 1974.)

9.28.100 Interference with mall activity events operating under a permit.

Except as herein provided, no person shall intentionally interfere with or disrupt any activity carried on in the mall under a mall activity event permit granted pursuant to Section 9.28.090 of this section. (Ord. 20088 § 2; passed Apr. 9, 1974.)

9.28.110 Duration of permits – Additional activities authorized.

No permit shall permit an activity to run longer than 90 days unless a renewal of the permit is approved by the City Manager or his designee, or except as otherwise approved by resolution of the City Council. The City Council may, by resolution, allow such uses and activities on the pedestrian mall in accordance with such terms, conditions, and agreements as the City Council may determine to be in the public interest. The appeal provisions of Section 9.28.120 shall not be applicable to the grant or denial of permission to conduct an activity on the pedestrian mall when such grant or denial is pursuant to resolution of the City Council. In the event of any conflict of any provision of this Chapter 9.28 with any other provision of the Official Code of the City of Tacoma, the provisions of this chapter shall be controlling. (Ord. 23183 § 3; passed May 22, 1984; Ord. 20088 § 2; passed Apr. 9, 1974)

9.28.120 Appeals.

Any applicant for a mall activity event permit or property owner or tenant abutting on the mall aggrieved by the issuance or denial of a mall activity event permit may, within 24 regular City office hours, appeal such action by filing a written notice of appeal with the City Clerk. Such notice of appeal shall be in writing, shall contain the name and address of the appellant, a description of the interest of appellant in the action appealed from, a statement of the particular action objected to, the reasons for such objections and the facts supporting such

reasons. If a permit has been issued, upon the proper filing of a notice of appeal, the permit shall be suspended until the appeal is decided. Within not less than five, nor more than 15 days after the filing of such notice of appeal, the City Clerk shall cause the same to be placed upon the agenda of the regular session of the City Council and shall give not less than five days' written notice to the City Manager or his designee, each affected applicant, and each appellant at the address shown on the notice of appeal, of the time and place such appeal will be heard and considered by the Council. At the regular session so fixed or at any adjournment thereof, the Council shall hear and consider such appeal and shall grant or deny the same by resolution. Such action by the Council shall be final. (Ord. 20088 § 2; passed Apr. 9, 1974)

9.28.130 Responsibility of mall activity event sponsor.

All mall activity events shall be the responsibility of those who sponsor said activity. The sponsor shall be responsible for cleaning the mall and removing debris from the area of the mall where the activity event takes place. All cleaning will be done at the conclusion of each day's activities. Upon failure to comply with the provisions of this section, the City shall have the right to assess and collect from said sponsor the cost incurred by the City in such cleanup and removal of debris necessitated by the sponsored activity event, together with the right to assess and collect from said sponsor a penalty or fine in the amount of \$100.00. (Ord. 20088 § 2; passed Apr. 9, 1974)

9.28.140 Definition of mall activity event.

For the purpose of this chapter, "mall activity events" are activities conducted for profit, charitable purpose, group entertainment or for the intended purpose of obtaining the attention of others. (Ord. 20088 § 2; passed Apr. 9, 1974)

9.28.150 Definition of sponsor.

For the purpose of this chapter, a "sponsor" is a person, group of persons, association, club, charity, school, firm, corporation, governmental organization and others who organize and/or conduct mall activity events as specified in Section 9.28.140. (Ord. 20088 § 2; passed Apr. 9, 1974)

9.28.160 Other responsibilities of sponsor.

Each sponsor shall display, upon request, to any designated City official, his permit to conduct a mall activity event, or, if he sponsors activities without

such a permit, he shall provide his name, address and telephone number when this is requested by such City official. (Ord. 20088 § 2; passed Apr. 9, 1974)

9.28.170 Contract with mall organization.

In accordance with Chapter 35.71 RCW, the City may execute a contract with a mall organization to aid the City in the administration and operation of the pedestrian mall in accordance with mutually satisfactory terms and conditions. In addition, the City Council, by resolution, may provide for a citizens’ advisory committee, consisting of such persons as the Council shall decide, to review and make recommendations upon request on proposals in respect to the amendment of this chapter or in respect to the policies or uses which are proposed to be implemented in respect to the pedestrian mall. (Ord. 20088 § 2; passed Apr. 9, 1974)

9.28.180 Violations – Penalties.

Any person violating Section 9.28.060 or Section 9.28.030 of this chapter shall be guilty of a traffic infraction. (Ord. 23560 § 1; passed Feb. 4, 1986; Ord. 20088 § 2; passed Apr. 9, 1974)

Chapter 9.30

FOURTH OF JULY CONCESSIONS

Sections:

- 9.30.010 Purpose.
- 9.30.020 Fourth of July concession permit.

9.30.010 Purpose.

The purpose of this chapter is to provide for regulation of street rights-of-way along or in the vicinity of the shorelines of Tacoma along Ruston Way during the Fourth of July celebration in order to more fully provide for the enjoyment of this event by the general public and to more fully protect the interests of the City and the general public in temporarily allowing the utilization of the public rights-of-way for the sale of certain goods and foods during such event. (Ord. 22708 § 1; passed Jun. 1, 1982)

9.30.020 Fourth of July concession permit.

In the event a nonprofit entity has, with the consent of the City of Tacoma, undertaken to sponsor and provide for the Fourth of July celebration in the area of the shoreline along Ruston Way, then such entity may, in accordance with a permit agreement to be approved by resolution of the City Council, utilize the following designated street rights-of-way: All street rights-of-way lying north of the southerly boundary of the Burlington Northern Railroad right-of-way from a point on such southerly boundary of railroad right-of-way 500 feet east of the extended easterly boundary of Starr Street to the intersection of such southerly boundary of railroad right-of-way with the easterly boundary of the Town of Ruston, hereinafter called the “street concession area,” for the purpose of providing and managing, during the Fourth of July celebration, the sale of all goods and foods within such street concession area. The net proceeds from any such sales within the street concession area shall only be used to defer the costs associated with the providing of the Fourth of July celebration or for such other City project to be located within the Ruston Way Shoreline Area as may be approved by the City in the Fourth of July concession permit agreement. Such Fourth of July concession permit agreement shall require that, in the event the permittee provides for the sale of goods or foods by other than its own forces, it shall allow a reasonable opportunity for interested vendors to submit proposals, and that the vendors will be selected, based upon objective criteria which are designed to obtain the best available vending services in furtherance of the public interest. Notwithstanding

any other ordinance of the City of Tacoma, during the Fourth of July celebration: (1) the sale of any goods or foods within the street concession area is prohibited, except as authorized pursuant to this chapter; and (2) no sales of any goods or foods shall be allowed upon any portion of dedicated street rights-of-way within the area described as follows: all street rights-of-way lying southerly of and within 2,000 feet of the southerly boundary of the Burlington Northern Railroad right-of-way from a point on such southerly boundary of the railroad right-of-way 500 feet east of the extended easterly boundary of Starr Street to the intersection of such southerly boundary of railroad right-of-way with the easterly boundary of the Town of Ruston. (Ord. 22708 § 1; passed Jun. 1, 1982)

Chapter 9.35

HYDROPLANE RACES

Sections:

- 9.35.010 Declaration of purpose.
- 9.35.020 Hydroplane races – Designation of public parks, open space and right-of-way for spectator use.
- 9.35.030 Admission charges.
- 9.35.040 Temporary improvements on public property.
- 9.35.050 Revenues.
- 9.35.060 *Repealed.*

9.35.010 Declaration of purpose.

The Council of the City of Tacoma does hereby declare that it is in the best interests of the public health, safety, and general welfare of the citizens of the City of Tacoma that the citizens be able to observe and enjoy boat racing, including limited and unlimited hydroplane racing, on Commencement Bay and, to the extent necessary for these purposes, that the City permit the closure of certain streets, parks, and other public areas to general pedestrian and vehicular access to provide appropriate traffic and crowd control and to minimize adverse effects on the surrounding neighborhood, and, further, authorizing admission and parking fees to provide revenue for the costs of operating and conducting the event and providing funds for other civic enterprises, including the acquisition of additional park or open space land or improvements thereto. (Ord. 22759 § 1; passed Aug. 10, 1982)

9.35.020 Hydroplane races – Designation of public parks, open space and right-of-way for spectator use.

At such time as boat races, including limited and unlimited hydroplanes and related events, are scheduled to be held upon Commencement Bay, the City may provide for the limited closure of appropriate streets, highways, parks, open spaces, and other public areas to be devoted exclusively to use by spectators for viewing of races and the parking of spectators’ automobiles. (Ord. 22759 § 1; passed Aug. 10, 1982)

9.35.030 Admission charges.

The City may, itself, or authorize a proper non-profit civic organization to, levy admission charges for spectators to view the hydroplane races from public property, including, but not limited to, portions of public parks and open spaces under City control;

provided, however, that at all times the charges to be assessed for admission and parking shall be reviewed and approved as to reasonableness by appropriate officers of the City. (Ord. 22759 § 1; passed Aug. 10, 1982)

Chapter 9.40

SIDEWALK VENDING

Repealed by Ord. 25780

(Ord. 25780 § 2; passed Mar. 12 1996)

9.35.040 Temporary improvements on public property.

An organization authorized to conduct hydroplane or other boat races and utilize public property for parking and spectator viewing may, in addition, be granted authority to erect or locate bleachers, concession stands, and chemical toilets upon such public property subject to its assumption of the obligation to remove same within a reasonable time after the completion of the boat racing event. Such organization shall be required to post a bond or cash deposit guaranteeing the removal of its temporary improvements, the cleanup of garbage, litter, and debris, and the payment of all fees, taxes, and charges due the City of Tacoma. (Ord. 22759 § 1; passed Aug. 10, 1982)

9.35.050 Revenues.

In addition to tax liability under the general ordinances of the City of Tacoma, the City shall receive a proportionate share of the gross revenues produced by admission charges, the tie-up fees of pleasure craft to a log boom, and the sale of food, beverages, and novelties by the organization or a concessionaire employed by it. The organization shall account to the City with respect to such revenues generated by the event, which revenues shall be used exclusively for the reasonable expenses of conducting the event and other civic enterprises. The City shall use its portion of such proceeds for paying the additional expenses of City personnel and equipment required as a result of the event. To the extent that the City's portion of the revenue exceeds that amount, the same shall be utilized for the acquisition or improvement of parks and open spaces. (Ord. 22759 § 1; passed Aug. 10, 1982)

9.35.060 Noise ordinance exemption.

Repealed by Ord. 27673

(Ord. 27673 § 9; passed Feb. 19, 2008; Ord. 22759 § 1; passed Aug. 10, 1982)

