

PUBLIC REVIEW DRAFT

August 7, 2013

8.31 PREVENTING NEGLECT OF HISTORIC PROPERTIES

8.31.010 Intent and Purpose

The City finds that the protection, enhancement, perpetuation, and continued use of historically significant properties located within the City are important in the interests of the prosperity, civic pride, and the ecological and general welfare of its citizens. The City further finds that the economic, cultural, and visual standing of the City cannot be maintained or enhanced by disregarding the heritage of the City or by allowing the destruction, defacement, and neglect of iconic historic and cultural assets; and that the neglect and deterioration of such assets is harmful to the entire community. It is therefore the intent of the City Council to protect the general welfare by establishing efficient administrative procedures to prevent the owner's failure to maintain a historically designated property such that it deteriorates to the extent that the only option to abate the health and safety risks caused by such deterioration is demolition, commonly known as "demolition by neglect".

8.31.020 Neglect of Historic Properties is a Public Nuisance

Neglect of a historic property as defined by this chapter is a detriment to the health, safety, and welfare of the public, and is therefore declared to be a public nuisance.

8.31.030 Scope and Applicability

The provisions of this chapter apply to all properties individually listed on the Tacoma Register of Historic Places and the National Register of Historic Places, as well as to contributing properties, excluding single family residential structures, in Historic Special Review Overlay Districts and National Register Historic Districts.

8.31.040 Definitions

Where terms, phrases, and words are not defined herein, their definition shall be taken from TMC 2.01, Minimum Building and Structures Code or the Building Code as currently adopted and amended by TMC Chapter 2.02.

"Contributing property" means a property within a historic district listed on the Tacoma or National Registers of Historic Places, which is included in the district building inventory as "contributing" as adopted by the Landmarks Preservation Commission or by the National Park Service.

"Historic District" means an Overlay Zone with a concentration of historic resources that has been found to meet the criteria for designation as a Historic Special Review District under the provisions of this chapter and has been so designated by City Council, OR a district which has been added to the National Register of Historic Places by the National Park Service.

"Historic Property" means any building or structure that is listed on either the Tacoma Register of Historic Places or the National Register of Historic Places, or is a contributing property within a Historic Special Review District Overlay Zone or a National Register Historic District.

“Neglected Historic Property” means a historic property which has been found to exhibit one or more of the conditions listed in this chapter.

“Owner” means any person, including any natural person, joint venture, partnership, association, club, company, corporation, business trust, or organization, or the manager, lessee, agent, officer, or employee of any of them, having any interest in the real estate in question as indicated in the records of the office of the Pierce County Assessor, or who establishes, under this chapter, his or her ownership interest therein.

8.31.050 Neglected Historic Properties

The following deteriorated conditions are evidence that a historically designated property is a “neglected historic property” in violation of this chapter, include are not limited to:

- A. Unstable, insecure or improperly attached architectural elements such as veneers, cornices, belt courses, corbels, trim, wall facing and similar decorative elements or parts that may fall and cause injury to persons or property.
- B. Deteriorated, cracking, failing or otherwise inadequate foundation or one that is not properly anchored or is unable to support loads.
- C. Deteriorated or defective flooring or floor supports that causes leaning, sagging, splitting, listing, buckling, or are otherwise insufficient to carry imposed loads or are not properly anchored.
- D. Deteriorated or defective walls, partitions or supports that cause leaning, sagging, splitting, listing, buckling, or are otherwise insufficient to carry imposed loads or are not properly anchored.
- E. Ceilings, roofs, ceiling or roof supports, or other horizontal members which sag, split, or buckle due to defect or deterioration or are insufficient to support the imposed loads.
- F. Deteriorated or defective chimneys, smokestacks or fireplaces or other appurtenances that cause leaning, sagging, splitting, listing, buckling, or are of insufficient size or strength to carry the imposed loads or are not properly anchored.
- G. Deteriorated, crumbling, or loose exterior stucco, plaster, or mortar, or loose or unstable masonry.
- H. Broken, missing, or rotted roofing materials or roof components, window glass, sashes, or frames, or exterior doors or door frames.
- I. Any fault, defect, or condition in the structure which renders it structurally unsafe or unstable.
- J. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering or holes in weather protection.
- K. Other visible signs of exterior deterioration that has a detrimental effect upon the character of the building.
- L. Deterioration or improper anchorage of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling.
- M. Rotting, holes, and other forms of decay, including vegetation growing from or on structures.

- N. Other deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.
- O. Open or unsecured vacant building that is accessible to trespass or evidence of unlawful human occupation.
- P. Other conditions causing deterioration of “character defining features” on the historic property, such as veneers, cornices, belt courses, corbels, trim, wall facing and similar decorative elements or parts, which may cause the building to lose its historic significance.

8.31.060 Penalties and Enforcement

When the City determines that a neglected historic property exists within the City, it may:

- A. Enter an enforcement action pursuant to procedures outlined in TMC 8.30, including, but not limited to, issuing a Notice of Violation and Abatement, or entering and repairing or correcting any conditions that threaten the integrity of the building, including failing weather protection, structural instability, failing masonry, or architectural elements in danger of falling off, and in accordance with the requirements for design review TMC 13.05.047. Such repair should be limited to that which is minimally necessary in order to stabilize a historic structure or to prevent further significant deterioration, and may be considered temporary in nature.
- B. If any historic property covered by this chapter shall have to be demolished as an unfit building or “dangerous building” per TMC 2.01 and the owner thereof shall have received two (2) or more notices from the City that the property is a “neglected historic property” in violation of this and other city ordinances, the following shall apply:
 - 1. For a period of five (5) years from and after the date of such demolition, development of the site shall be limited to a replacement structure that reproduces the size, square footage and visual, aesthetic, architectural, and material character of the demolished building, and must be approved by the Landmarks Preservation Commission, prior to the issuance of any development permits. Additionally, no permits for the operation of surface parking lot shall be granted by the city during this period, nor shall a parking lot for vehicles be operated, whether for remuneration or not, on the site for a period of five (5) years from and after the date of such demolition.
 - 2. This provision shall not apply to demolitions attributable to an act of God or other catastrophic occurrence that could not have been prevented by the exercise of foresight or caution
 - 3. This provision may be lifted by the Director of Planning and Development Services in consultation with the Landmarks Preservation Commission if it can be demonstrated that there is a viable development project on the site that represents a substantial benefit to the public.
- C. For historic properties that may be considered unfit according to RCW 35.80, the City may initiate the dangerous building procedures pursuant to TMC 2.01.060 or the City may initiate eminent domain procedures in accordance with 35.80A.

8.31.070 Emergencies

If a historic property is damaged and the Building Official determines that the historic property will suffer additional damage without immediate repair, the Historic Preservation Officer may act on behalf of the Landmarks Preservation Commission to work with the Building Official to authorize the property owner, or applicant on behalf of the property owner, to temporarily protect the historic property pursuant to 13.05.049.C.

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