



Legislation Passed May 7, 2013

The Tacoma City Council, at its regular City Council meeting of May 7, 2013, adopted the following resolutions and/or ordinances. The summary of the contents of said resolutions and/or ordinances are shown below. To view the full text of the document, click on the bookmark at the left of the page.

Resolution No. 38665

Setting Tuesday, May 21, 2013, at approximately 5:30 p.m., as the date for a public hearing by the City Council on the proposed amendments to the Comprehensive Plan and Land Use Regulatory Code, as recommended by the Planning Commission for the year 2013.

Purchase Resolution No. 38666

Awarding a contract to:

Michels Corporation, on its bid of \$1,168,433.75, not including sales tax, plus a 15 percent contingency, for a cumulative total of \$1,343,698.81, budgeted from the Surface Water Fund, for the rehabilitation of 28,400 linear feet of 8-inch to 21 inch diameter stormwater sewer pipes using Cured-In-Place pipe technology, as part of the Stormwater Sewer Rehabilitation Project – Specification No. ES13-0043F.

Resolution No. 38667

Authorizing the submittal of the 2013-2014 Annual Action Plan to the U.S. Department of Housing and Urban Development by the deadline of May 15, 2013 for funding various agencies.

Resolution No. 38668

Supporting the Citizen Committee, Board, and Commission Review recommendations of setting term limits at ten consecutive years; adding two-year youth positions for those between the ages of 16 and 18, to the Human Services Commission, Tacoma Arts Commission, Tacoma Area Commission on Disabilities, and Sustainable Tacoma Commission; and revising the age requirement for participation on all committees, boards, and commissions to 16 years.

Amended Resolution No. 38669

Establishing a Transportation Commission to advise the City Council on transportation-related matters; and establishing one or more staff-appointed technical advisory groups to provide specific technical expertise on various transportation policy areas.

Resolution No. 38670

Establishing a City Events and Recognitions Committee for the purpose of planning and fundraising for City-hosted observation and recognition events; and establishing one or more staff-appointed subcommittees to assist in the planning and implementation of various events.

Amended Resolution No. 38671

Amending the Council Standing Committee Process Manual by revising Section 2 to include the function and purpose of the Council standing committees; adding a new Section 3 which defines the committees' specified legislative oversight and guidance responsibilities; and adding a new Appendix D: List of Citizen Committees, Boards, and Commissions by Recommended Committees; and addressing inconsistencies and correcting minor errors contained therein.

Ordinance No. 28147

Amending Chapters 1.07 and 1.90 of the Municipal Code, relating to the Local Employment and Apprenticeship Training Program (LEAP), to change the federal Renewal Community designation to Washington State Community Empowerment Zone, revise the definition of a LEAP-qualified participant to include youth and veterans, and eliminate the City of Tacoma Target Area designation.

Substitute Ordinance No. 28148A

Amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to implement a change in pay for approximately 398 non-represented Tacoma Public Utilities positions and 17 non-representative General Government positions; and correct a pay range for one classification represented by Teamsters Local Union No. 117, Public Assembly Facilities Unit, which covers 31 positions.

Ordinance No. 28149

Amending Chapters 2.01 and 2.17 of the Municipal Code, relating to the Minimum Building and Structures Code, to shorten timeframes for enforcement, clarify cost recovery mechanisms, address concerns raised about elevator accessibility, enhance language related to historic preservation, clarify the role of the Board of Building Appeals, and ensure consistency with other sections of the Municipal Code.

Ordinance No. 28150

Amending Chapter 11.05 of the Municipal Code, relating to the Model Traffic Ordinance, to remove reference to the Parking Management Advisory Task Force to enable implementation of the City's Committees, Boards, and Commissions review recommendations.

Ordinance No. 28151

Amending the 2013-2014 Biennial Budget to appropriate funds from the 2011-2012 budget to cover contract obligations, transfers, and other budget adjustments.



RESOLUTION NO. 38665

1 A RESOLUTION relating to the 2013 Annual Amendment to the
2 Comprehensive Plan and Land Use Regulatory Code; setting Tuesday,
3 May 21, 2013, as the date for a public hearing on proposed
4 amendments recommended by the Planning Commission for the year
5 2013.

6 WHEREAS, each year, the City Council considers revisions to the
7 Comprehensive Plan ("Plan") and development regulations contained in the
8 Land Use Regulatory Code ("Code"), pursuant to the Growth Management Act,
9 and

10 WHEREAS the amendment cycle for the proposed 2013 Annual
11 Amendment began on July 1, 2012, and ends on June 30, 2013, and

12 WHEREAS the Planning Commission ("Commission") generated
13 proposed Plan and Code amendments based on community needs and input
14 from members of the public, City Council, and City staff, and then evaluated
15 those proposed amendments for potential benefits and impacts, alternatives,
16 and consistency with existing plans and laws, and

17 WHEREAS the Commission, after completion of its review process,
18 including a hearing to receive public testimony on the proposed amendments
19 on March 20, 2013, finalized the proposed 2013 Annual Amendment and
20 recommended it to the City Council on May 1, 2013, and
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WHEREAS the proposed 2013 Annual Amendment includes:

(1) changes to the Growth Strategy and Development Concept, Generalized Land Use, Transportation, and Shoreline related elements of the Comprehensive Plan; and (2) changes to Chapters 1.37 (Transfer of Development Rights Program Administrative Code, 10.14 (Driveways), 13.02 (Planning Commission), 13.04 (Platting and Subdivisions), 13.05 (Land Use Permit Procedures), 13.06 (Zoning), and 13.06A (Downtown Tacoma) of the Tacoma Municipal Code ("TMC"), and

WHEREAS Chapter 13.02 of the TMC requires the City Council to conduct a public hearing before amending the Comprehensive Plan or Land Use Regulatory Code; Now, Therefore,

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

Section 1. That a public hearing on the proposed amendments to the Comprehensive Plan and Land Use Regulatory Code, as contained in the proposed 2013 Annual Amendment, shall be held before the City Council in the Council Chambers on the first floor of the Tacoma Municipal Building, 747 Market Street, Tacoma, Washington, on Tuesday, May 21, 2013, at approximately 5:30 p.m. or as soon thereafter as the same may be heard.



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Section 2. That the Clerk of the City of Tacoma shall give proper notice of the time and place of said hearing.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



RESOLUTION NO. 38666

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

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

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

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

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

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

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

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

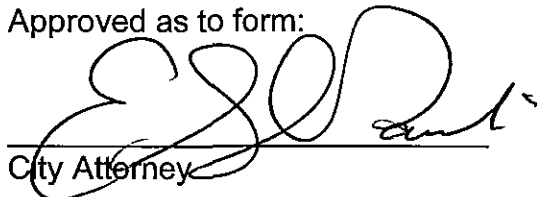
() D. Waiver of competitive bidding procedures in those instances, as set forth in Exhibit "A," in which it is impracticable to obtain supplies or public works improvements by competitive bid, or in those instances in which supplies and/or public works are available from a single source.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:


City Attorney



City of Tacoma
Environmental Services Department

EXHIBIT "A"

RESOLUTION NO.: 38666

ITEM NO.: 1

MEETING DATE: MAY 7, 2013

DATE: April 23, 2013
TO: Board of Contracts and Awards
SUBJECT: Stormwater Sewer Rehabilitation Project
Budgeted from ES Surface Water Fund 4301
Request for Bids Specification No. ES13-0043F

RECOMMENDATION: The Environmental Services Department, Science and Engineering Division, recommends a contract be awarded to the low bidder **Michels Corporation, Salem, OR**, for rehabilitation of 28,400 linear feet of 8-inch to 21-inch diameter stormwater sewer pipes using Cured-In-Place Pipe (CIPP) technology. The contract reflects a base award of \$1,168,433.75, excluding sales tax, plus a 15% contingency, for a cumulative amount of \$1,343,698.81, excluding sales tax.

EXPLANATION: The City's stormwater collection system consists of over 575 miles of underground pipe that conveys stormwater to surface waters in and around the City and ultimately discharges into Puget Sound.

To help address the problem of aging sewer infrastructure, Environmental Services developed an Asset Management Program. This ongoing program focuses on rehabilitating a certain amount of the City's poorest condition pipes every year. Depending on a pipe's age and condition, rehabilitation can be accomplished via removing and replacing the existing pipe using traditional excavation methods or in some cases the pipe can be rehabilitated using pipe-lining technology that minimizes or eliminates the need for costly and disruptive excavation within the street right-of-way.

This contract will utilize the specific pipe-lining technology called Cured-In-Place Pipe (CIPP) to rehabilitate approximately 28,400 linear feet of 8-inch to 21-inch diameter stormwater sewer pipes, at various locations throughout the City, and will avoid any excavation within City streets. This work will also include cleaning, removal and disposal of waste materials, and performing video inspections of all the stormwater pipe segments included in the project.

COMPETITIVE BIDDING: Specification No. ES13-0043F was opened April 9, 2013. The Request for Bids was advertised in the Tacoma Daily Index and the Seattle Daily Journal of Commerce. Three submittals were received. The Historically Under-Utilized Business (HUB) participation level proposed by the bidder(s) are reflected as a credit (maximum applies) against the submitted base bid to arrive at an "evaluated bid" for bid ranking purposes. Michels Corporation submitted a bid that resulted in the lowest evaluated bid after consideration of HUB participation goals.

<u>Respondent</u>	<u>Location</u> <i>(city and state)</i>	<u>Submittal Amount</u> Excluding Sales Tax	<u>Evaluated Submittal</u> Excluding Sales Tax
Michels Corporation	Salem, OR	\$ 1,168,433.75	\$ 1,168,433.75
Repipe California LP	Riverside, CA	\$ 1,214,958.28	\$ 1,208,816.62
Insituform Technologies, LLC	Chesterfield, MO	\$ 1,592,279.40	\$ 1,592,279.40

Pre-bid Estimate \$ 1,689,470.20

The recommended award is 31% below the pre-bid estimate.

SUSTAINABILITY FACTORS: Many of the stormwater pipes scheduled for rehabilitation by this project were installed nearly 100 years ago and are in poor condition. These pipes have an elevated risk of failure. If failure were to occur, it could result in sinkholes, flooding, property damage and an increased threat to public safety. The proposed project would rehabilitate these pipes and reduce the risk of flooding and related damage.

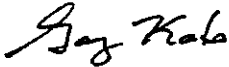
Preventive rehabilitation of underground stormwater pipes in the project vicinity, prior to complete failure, represents the lowest lifecycle cost solution to maintaining these assets. The City is able to perform the less invasive trenchless method to rehabilitate these existing stormwater pipes without the more expensive and disruptive impact of traditional open-cut construction.

CONTRACT HISTORY: New contract.

FUNDING: Funds are budgeted in the ES Surface Water Fund 4301.

HUB/LEAP COMPLIANCE: The recommended contractor is in compliance with the HUB Regulation requirements per memorandum dated April 19, 2013. The HUB goal for this project is 3 percent, and the level of HUB participation for Michels Corporation is 3.3 percent. The recommended contractor submitted the lowest evaluated bid per the HUB Regulation requirements. The Local Employment and Apprenticeship Training Program (LEAP) goal is 390 hours.

PROJECT ENGINEER/COORDINATOR: Geoffrey M. Smyth, P.E., Science and Engineering Division Manager, 253-502-2111.



for

Michael P. Slevin III, P.E.
Interim Environmental Services Director

cc: Jim Wilkerson, Purchasing Analyst
Charles Wilson, HUB Coordinator
Peter Guzman, LEAP Coordinator
Lorna Mauren, Environmental Services



TO: T.C. Broadnax
City Manager

FROM: Michael P. Slevin III, P.E.
Interim Environmental Services Director

SUBJECT: Council Action Memo – Purchase Resolution – May 7, 2013
Stormwater Sewer Rehabilitation Project
Specification No. ES13-0043F

DATE: April 26, 2013

M.P.S. →

The Environmental Services Department, Science and Engineering Division recommends a contract be awarded to the low bidder Michels Corporation, of Salem, OR, for rehabilitation of 28,400 linear feet of 8-inch to 21-inch diameter stormwater sewer pipes using Cured-In-Place Pipe (CIPP) technology. The contract amount reflects a base award of \$1,168,433.75, excluding sales tax, plus a 15% contingency, for a cumulative amount of \$1,343,698.81, excluding sales tax.

Background

The City's stormwater collection system consists of over 575-miles of underground pipe that conveys stormwater to surface waters in and around the City and ultimately discharge into the Puget Sound. Approximately 15% (86 miles), are 75 to 100 years old. To help address the problem of aging sewer infrastructure, Environmental Services developed an Asset Management Program. This ongoing program focuses on rehabilitating a certain amount of the City's poorest condition pipes every year. Depending on a pipe's age and condition, rehabilitation can be accomplished via removing and replacing the existing pipe using traditional excavation methods or in some cases the pipe can be rehabilitated using pipe-lining technology that minimizes or eliminates the need for costly and disruptive excavation within the street right-of-way.

This contract will utilize the specific pipe-lining technology called Cured-In-Place Pipe (CIPP) to rehabilitate approximately 28,400 linear feet of 8-inch to 21-inch diameter stormwater sewer pipes, at various locations throughout the City (see attached map), and will avoid excavation within City streets. This work will also include cleaning, removal and disposal of waste materials, and performing video inspections of all the stormwater pipe segments included in the project.

Preventive rehabilitation of underground pipes in the project vicinity, prior to complete failure, represents the lowest lifecycle cost solution to maintaining these assets. By identifying these pipes through our Asset Management Program, the City is able to perform the less invasive trenchless method to rehabilitate these existing stormwater pipes without undertaking the more expensive and disruptive impact of traditional open-cut construction.

Funding

Funds are budgeted in the ES Surface Water Fund 4301.

Reason for Project

Many of the stormwater pipes scheduled for rehabilitation by this project are in poor condition. These pipes have an elevated risk of failure. If failure were to occur, it could result in sinkholes, flooding, property damage and an increased threat to public safety. The proposed project would rehabilitate these pipes and reduce the risk of flooding and related damage.

Stormwater CIPP - Various Areas

Stormwater Pipe Retrofit Project
 ES13-0043

Map Date: March 22, 2012
 Source: Environmental Services
 Division, Public Works Department
 City of Tacoma
 Environmental Services/ Science & Engineering
 326 East D Street, Tacoma WA 98421
 (253) 591-5588



Legend
 0 125 250 500 750 1000 Feet
 CIPP Lining



RESOLUTION NO. 38667

1 A RESOLUTION relating to the City's Annual Action Plan for the U.S. Department
2 of Housing and Urban Development ("HUD"); authorizing the submittal of the
2013-2014 Annual Action Plan to HUD by the deadline of May 15, 2013.

3 WHEREAS the 2013-2014 Annual Action Plan combines the submission of
4 applications for Community Development Block Grant ("CDBG"), HOME Investment
5 Partnership ("HOME"), and Emergency Solutions Grant ("ESG") funding, and
6

7 WHEREAS the City is entitled to apply to the U.S. Department of Housing
8 and Urban Development ("HUD") for the following grants: (1) CDBG, \$2,120,874;
9 (2) HOME, \$1,090,047; and (3) ESG, \$217,112, and
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11 WHEREAS the City also intends to reallocate \$243,406 in existing CDBG
12 funds for projects under this Annual Action Plan, and

13 WHEREAS, because the City of Lakewood ("Lakewood") does not meet the
14 HUD formula requirements for it to apply for HOME funds independently, the City
15 and Lakewood formed a consortium in 1999 for the HOME program, and
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17 WHEREAS the City's share of the HOME grant funds is expected to be
18 \$848,057, and Lakewood's share is \$241,990, and

19 WHEREAS, during February and March 2013, the Tacoma Community
20 Redevelopment Authority and the Human Services Commission reviewed
21 applications for funding, heard presentations by agencies applying for funding, and
22 considered the historic performance of those agencies and the needs of the
23 community, and
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WHEREAS staff presented funding recommendations at a joint meeting of the Neighborhoods and Housing Committee and Public Safety, Human Services, and Education Committee on March 18, 2013, and

WHEREAS a public hearing on the recommendations was held on April 6, 2013, and

WHEREAS the City Council is now requested to make its final funding decisions for submittal to HUD; Now, Therefore,

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

That the proper officers of the City are hereby authorized to submit, by May 15, 2013, the 2013-2014 Annual Action Plan to the U.S. Department of Housing and Urban Development for funding for various agencies, said document to be substantially in the form of the proposed 2013-2014 Annual Action Plan on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



RESOLUTION NO. 38668

1 A RESOLUTION relating to committees, boards, and commissions; supporting the
2 Citizen Committee, Board and Commission review recommendations of
3 setting term limits for ten consecutive years, with one-term exceptions as
4 needed; adding two-year youth positions to the Human Services
Commission, Tacoma Arts Commission, Commission on Disabilities, and
Sustainable Tacoma Commission; and revising the age requirement for
participation on all committees, boards, and commissions to 16 years.

5 WHEREAS, in December 2012, the City Council requested a review of the
6 City's Committees, Boards, and Commissions ("CBC") for the purpose of
7 assessing roles and responsibilities, output, connection to policy process, staff
8 resources, and limitations of staff resources for each CBC, and

9 WHEREAS additional areas of review included whether the CBCs are
10 meeting the needs of the City Council; have the tools to perform effectively and
11 efficiently, understanding resource limitations; and have opportunities to connect
12 with the City Council through regularly-scheduled updates and work plan progress
13 briefings, and

14 WHEREAS, on March 4, 2013, the City Manager provided the CBC Chairs
15 with the results of the review, and, on March 5, 2013, City staff presented findings
16 and recommendations to the City Council, and

17 WHEREAS the City Council supports recommendations relating to term
18 limits and youth participation, and

19 WHEREAS the proposed recommendations would set term limits for CBCs
20 at ten consecutive years, with one-term exceptions granted as needed for
21 institutional knowledge, and

22 WHEREAS, in order to encourage youth participation in government, the
23 recommendations include the addition of two-year youth positions, for those
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between the ages of 16-18, as a vacancy occurs, to the Human Services Commission, Tacoma Arts Commission, Commission on Disabilities, and Sustainable Tacoma Commission; and revising the age requirement for all CBCs to 16 years; Now, Therefore,

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

That the City Council hereby supports the following recommendations of the Citizen Committee, Board, and Commission review: (1) setting term limits for ten consecutive years for all committees, boards, and commissions, with one-term exceptions granted as needed for institutional knowledge; (2) adding two-year youth positions, for those between the ages of 16-18, as a vacancy occurs, to the Human Services Commission, Tacoma Arts Commission, Commission on Disabilities, and Sustainable Tacoma Commission; and (3) revising the age requirement for participation on all committees, boards, and commissions to 16 years, all as more specifically set forth in the Citizen Committee, Board, and Commission Final Report 2013 and staff recommendations on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



RESOLUTION NO. 38669

1 BY REQUEST OF COUNCIL MEMBER MELLO

2 A RESOLUTION relating to committees, boards, and commissions; establishing
3 a Transportation Commission (“Commission”) to advise the City Council
4 on transportation-related matters, and establishing one or more staff-
5 appointed Technical Advisory Groups to provide specific technical
6 expertise on various transportation policy areas, all as more specifically
7 set forth in the Citizen Committee, Board, and Commission Final Report
8 2013 and staff recommendations on file in the office of the City Clerk.

9 WHEREAS, in December 2012, the City Council requested a review of
10 the City’s Committees, Boards, and Commissions (“CBC”) for the purpose of
11 assessing roles and responsibilities, output, connection to policy process, staff
12 resources, and limitations of staff resources for each CBC, and

13 WHEREAS, at the Committee of the Whole meetings of April 2nd and
14 April 16th, City Council members provided input on the CBC review, including a
15 request for creation of a Transportation Commission (“Commission”) to advise on
16 transportation-related matters such as short-term and long-range transportation
17 planning; compliance with local, regional, and federal transportation regulations;
18 bike, pedestrian, and mass transit-related planning initiatives; and parking and
19 capital improvement plans, and

20 WHEREAS the Commission will consist of 11 members, nine voting
21 members appointed by the City Council who are City residents, with representatives
22 from each of the City’s five Council Districts, and who bring a range of perspectives
23 and expertise that focus on the City’s long-term vision for mobility options
24 throughout the City, and two non-voting members appointed by the City Manager,
25 and
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1 WHEREAS it is recommended that members appointed reflect the following
2 categories of special interest/discipline: professional engineering sector;
3 construction/private business sector; bike and pedestrian/mass transit sector;
4 planning/urban growth sector; environmental /sustainability sector; general
5 community; and ADA community, and
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7 WHEREAS it is recommended that one or more staff-appointed Technical
8 Advisory Groups (“TAGs”) be established to provide specific technical expertise to
9 the Commission on various transportation policy areas, including due diligence
10 screening and research of policy recommendations and related requests from the
11 Commission, and
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13 WHEREAS it is further recommended that the current Parking
14 Management Advisory Task Force serve as the Parking TAG, and the current
15 Bicycle and Pedestrian Action Committee serve as the Bicycle and Pedestrian
16 TAG; Now, Therefore,
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18 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

19 That the City Council hereby supports the establishment of a
20 Transportation Commission (“Commission”) for the purpose of advising the City
21 Council on transportation-related matters, and the establishment of one or more
22 staff-appointed Technical Advisory Groups to provide specific technical
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1 expertise on various transportation policy areas, all as more specifically set
2 forth in the Citizen Committee, Board, and Commission Final Report 2013 and
3 staff recommendations on file in the office of the City Clerk.
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5 Adopted _____

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Mayor

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Attest:

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City Clerk

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Approved as to form:

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City Attorney

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RESOLUTION NO. 38670

1 A RESOLUTION relating to committees, boards, and commissions; establishing a
2 City Events and Recognitions Committee for the purpose of planning and
3 fundraising for City-hosted observation and recognition events, and
4 establishing one or more staff-appointed subcommittees to assist in the
5 planning and implementation of various events, all as more specifically set
6 forth in the Citizen Committee, Board, and Commission Final Report 2013
7 and staff recommendations on file in the office of the City Clerk.

8 WHEREAS, in December 2012, the City Council requested a review of the
9 City's Committees, Boards, and Commissions ("CBC") for the purpose of assessing
10 roles and responsibilities, output, connection to policy process, staff resources, and
11 limitations of staff resources for each CBC, and

12 WHEREAS, at the Committee of the Whole meetings of April 2nd and
13 April 16th, City Council members provided input on the CBC review, including a
14 recommendation to consolidate a City Observances Committee and a Recognition
15 Committee into one committee to be known as the City Events and Recognitions
16 Committee ("Committee"), and

17 WHEREAS the Committee will serve as an advisory and action committee on
18 matters pertaining to City-hosted events and special recognition programs; will be
19 responsible for planning, reviewing, and evaluating events; and will fundraise for
20 City-hosted events, such as the Martin Luther King, Jr. Celebration and City of
21 Destiny Awards, and

22 WHEREAS the Committee will engage the community in its fundraising
23 efforts and will solicit corporate and private sponsorships to leverage funds for
24 these events, and
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1 WHEREAS the Committee will consist of nine members who are City
2 residents, with representatives from each of the City's five Council Districts, and
3 who bring a range of perspectives and expertise that focus on the City's
4 commitment to celebrate civic engagement and special observations, and
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6 WHEREAS staff recommends that one or more staff-appointed
7 subcommittees be established to provide assistance in the planning and
8 implementation of the City's Martin Luther King, Jr. Celebration, City of Destiny
9 Awards, and other special national and local observances, and
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11 WHEREAS the Citizens Recognition Committee, created pursuant to
12 Resolution No. 31271, will now serve as the City Volunteer Appreciation Events
13 subcommittee; Now, Therefore,

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

15 That the City Council hereby supports the establishment of a City Events and
16 Recognitions Committee ("Committee") for the purpose of planning and fundraising
17 for City-hosted observation and recognition events, and the establishment of one or
18 more staff-appointed subcommittees to assist in the planning and implementation of
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various events, all as more specifically set forth in the Citizen Committee, Board,
and Commission Final Report 2013 and staff recommendations on file in the office
of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



RESOLUTION NO. 38671

1 A RESOLUTION relating to committees, boards, and commissions; amending the
2 *Council Standing Committee Process Manual* by revising Section 2 to include
3 the functions and purpose of the Council Standing Committees; adding a new
4 Section 3, which defines the committees' specified legislative oversight and
5 guidance responsibilities related to policies, programs, concepts, and
6 initiatives; adding a new Appendix D: List of Citizen Committees, Boards, and
7 Commissions by Recommended Committees; changing the name of the
8 Environment and Public Works Standing Committee; and addressing
9 inconsistencies and correcting minor errors contained therein.

10 WHEREAS, in December 2012, the City Council requested a review of the
11 City's Committees, Boards, and Commissions ("CBC") for the purpose of assessing
12 roles and responsibilities, output, connection to policy process, staff resources, and
13 limitations of staff resources for each CBC, and

14 WHEREAS additional areas of review included whether the CBCs are
15 meeting the needs of the City Council; have the tools to perform effectively and
16 efficiently, understanding resource limitations; and have opportunities to connect
17 with the City Council through regularly-scheduled updates and work plan progress
18 briefings, and

19 WHEREAS, on March 5, 2013, City staff presented findings and
20 recommendations to the City Council, including the transition of the appointments
21 process from the Appointments Committee to the Standing Committees to better
22 align City Boards and Commissions to City Council priorities, and

23 WHEREAS, at the Committee of the Whole meetings of April 2nd and
24 April 16th, the City Manager shared proposed amendments to the *Council Standing*
25 *Committee Process Manual* to include revising Section 2 to include the functions
26 and purpose of the Council Standing Committees; adding a new Section 3 to define



1 the committees' specified legislative oversight and guidance responsibilities related
2 to policies, programs, concepts, and initiatives; adding a new "Appendix D: List of
3 Citizen Committees, Boards and Commissions by Recommended Committees,"
4 with the transition from the Appointments Committee to the Standing Committees to
5 take place after July 1, 2013, to allow time for the transition; and addressing
6 inconsistencies and correcting minor errors contained therein, and
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8 WHEREAS the City Council further recommends that the name of the
9 Environment and Public Works Committee be changed to the "Infrastructure,
10 Sustainability, and Planning Committee" to better reflect the scope, roles and
11 responsibilities outlined in the *Council Standing Committee Process Manual*;
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13 Now, Therefore,

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

15 That the *Council Standing Committee Process Manual* is hereby amended as
16 follows: (1) revising Section 2 to include the functions and purpose of the Council
17 Standing Committees; (2) adding a new Section 3, which defines the committees'
18 specified legislative oversight and guidance responsibilities related to policies,
19 programs, concepts, and initiatives; (3) adding a new Appendix D: List of Citizen
20 Committees, Boards, and Commissions by Recommended Committees;
21 (4) changing the name of the Environment and Public Works Committee to the
22 "Infrastructure, Sustainability, and Planning Committee"; and addressing
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1 inconsistencies and correcting minor errors contained therein, all as more
2 specifically set forth in the proposed document on file in the office of the City Clerk.

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4 Adopted _____

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Mayor

7 Attest:

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City Clerk

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Approved as to form:

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City Attorney

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ORDINANCE NO. 28147

1 AN ORDINANCE relating to the City's Local Employment and Apprenticeship
2 Training Program ("LEAP"); amending Chapters 1.07 and 1.90 of the
3 Tacoma Municipal Code ("TMC") to change the federal Renewal Community
4 designation to the Washington State Community Empowerment Zone; and
5 further amending TMC Chapter 1.90 to revise the definition of a LEAP
6 qualified participant to include youth and veterans, and eliminate the City of
7 Tacoma Target Area designation.

8 WHEREAS the Local Employment and Apprenticeship Training Program
9 ("LEAP") promotes the development of a trained workforce possessing the skills
10 necessary to fully participate in the construction trades, and
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12 WHEREAS the LEAP Advisory Committee ("LAC") was established to
13 provide performance oversight of and recommend policy enhancements to the
14 LEAP Program, and

15 WHEREAS the LAC is comprised of representatives from the following
16 areas: labor, associated general contractors, Tacoma School District No. 10,
17 Workforce Central, Puyallup Tribe of Indians, contractors, community and technical
18 colleges, apprenticeship programs, and community/faith-based organizations, and

19 WHEREAS a 2012 biennial performance evaluation review conducted by
20 the LAC acknowledged a successful economic development program that created
21 training and employment opportunities for local residents, leading to family-wage
22 jobs, and

23 WHEREAS the LAC recognizes that policy enhancements are occasionally
24 necessary to improve LEAP Program participation so that local residents,
25 specifically youth and veterans, are afforded more employment opportunities on
26 City public works projects, and



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WHEREAS the LAC is recommending proposed changes to the LEAP Program, codified in Chapter 1.90 of the Tacoma Municipal Code (“TMC”), to revise the definition of a LEAP-qualified participant to include youth and veterans; change the federal Renewal Community (“RC”) designation to the Washington State Community Empowerment Zone (“CEZ”) designation, and eliminate the City of Tacoma Target Area designation, and

WHEREAS a reference in TMC 1.07.050 should also be amended to reflect the change of the RC designation to the CEZ designation, and

WHEREAS the Public Utility Board approved the proposed amendments at its meeting of March 27, 2013, and

WHEREAS the proposed amendments were presented at the April 9, 2013, meeting of the Economic Development Committee and received a “Do Pass” recommendation; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 1.07 of the Tacoma Municipal Code is hereby amended as set forth in the attached Exhibit “A.”



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Section 2. That Chapter 1.90 of the Tacoma Municipal Code is hereby amended as set forth in the attached Exhibit "B."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

Requested by Public Utility Board
Resolution No. U-10615



EXHIBIT "A"

Chapter 1.07

SMALL BUSINESS ENTERPRISE

1.07.050 Certification.

A. The SBE Program Coordinator shall approve a person as a SBE Certified Business if all of the following criteria are satisfied:

1. Each person with an ownership interest in the company has a personal net worth of less than \$375,000, excluding one personal residence and the net worth of the business;
2. The company's total gross receipts for any consecutive three year period within the last six years is not more than \$8,000,000 for public works companies and not more than \$4,000,000 for non-public works and improvements companies;
3. The owner(s) of the company executes an affidavit and files it with the City which states that all information submitted on the SBE application is accurate, that the business has sought or intends to do business with the City and/or within the Pierce County area and has experienced or expects to experience difficulty competing for such business due to financial limitations that impair its ability to compete against larger firms; and
4. The company can demonstrate that it also meets at least one of the following additional requirements:
 - a. The company's business offices, or the personal residence of the owner, is located within a City of Tacoma designated ~~Renewal Community~~/Community Empowerment Zone, prior to designation as a SBE, or
 - b. The company's business offices, or the personal residence of the owner, is located within the City of Tacoma for at least six months prior to designation as a SBE; or
 - c. The company's business offices are located in a federally designated HUBZone in Pierce County or any adjacent county for at least 12 months prior to designation as a SBE; or
 - d. The company's business offices are located in a federally designated HUBZone in a County wherein the work will be performed, or an adjacent county, for at least 12 months prior to designation as a SBE.

B. Application Process. The SBE Program Coordinator shall make the initial determination regarding certification or recertification. Each SBE applicant shall provide the following documents; as such documents are more fully described in the SBE Regulations, to the SBE Program Coordinator:

1. A completed Statement of Personal Net Worth form;
2. A completed Declaration of SBE Status Affidavit form;
3. Tax returns for the business for six (6) years prior to the date of application for SBE certification, or from the date of inception of the business if the business has been in existence less than six (6) years;
4. List of equipment and vehicles used by the SBE;
5. Description of company structure and owners;



6. Such additional information as the SBE Program Coordinator or designee may require.

1 When another governmental entity has an equivalent SBE classification process the City may enter into an interlocal cooperative agreement for mutual recognition of certifications.

2 C. Recertification. A SBE qualified business shall demonstrate annually to the satisfaction of the SBE Program Coordinator that the following SBE qualifications are still in effect for such business:

3 1. That the company still meets all of the criteria set forth in subsection 1.07.050.A. TMC, and

4 2. That the company has maintained all applicable and necessary licenses in the intervening period, and

5 3. That the company demonstrates that the owner and/or designated employees have completed the minimum annual continuing business education training requirements set forth in the SBE Regulations.

7 D. Appeals. The applicant may appeal any certification determination by the SBE Program Coordinator under this chapter to the Director. The appeal must be made in writing and must set forth the specific reasons for the appeal. The Director shall make a decision on the appeal request within a reasonable time, which decision shall be final unless further appeal is made to the Hearing Examiner. In that event, the Hearing Examiner Rules of Procedure for Hearings, Chapter 1.23 TMC, shall be applicable to that appeal proceeding.

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EXHIBIT “B”

Chapter 1.90

**LOCAL EMPLOYMENT AND APPRENTICESHIP
TRAINING PROGRAM**

* * *

1.90.030 Definitions.

As used in this chapter, the following terms shall have the following meanings:

A. “Apprentice” shall mean a person enrolled in a course of training specific to a particular construction trade or craft, which training shall be approved by the Washington State Apprenticeship and Training Council established pursuant to RCW 49.04.010.

B. “Building Projects” shall mean all Public Works or Improvements having an Estimated Cost greater than \$750,000.00, and for which a building permit must be issued pursuant to Chapter 1 of the current edition of the state building code (Uniform Building Code).

C. “City” shall mean all divisions and departments of the City of Tacoma, and all affiliated agencies, provided, however, that the Tacoma Community Redevelopment Authority shall not be included within this definition.

D. “Civil Projects” shall mean all Public Works or Improvements that are not defined as a “Building Project,” provided that those projects having an Estimated Cost of less than \$250,000.00 shall not be included in this definition.

E. “Community Empowerment Zone (“CEZ”) shall mean that portion of those census tracts which are situated within the City of Tacoma and designated by the State of Washington as entitled to receive tax incentives because of high levels of poverty and unemployment.

~~F.~~ “Contractor or Service Provider” means a person, corporation, partnership, or joint venture entering into a contract with the City to construct a Public Work or Improvement.

~~G.~~ “Director” shall mean the Director of Community and Economic Development, or the Director’s Designee.

~~H.~~ “Electrical Utility” shall mean the Light Division of the Department of Public Utilities of the City of Tacoma, and shall include the electrical and telecommunications services of that Division.

~~I.~~ “Estimated Cost” shall mean the anticipated cost of a Public Work or Improvement, as determined by the City, based upon the expected costs of materials, supplies, equipment, and labor, but excluding taxes and contingency funds.

~~J.~~ “Estimated Labor Hours” shall mean the anticipated number of Labor Hours determined by the City to be necessary to construct a Public Work or Improvement and set forth in the specifications for the project, or as may be subsequently revised due to contract or project adjustment, or pursuant to an agreed upon change order.

~~K.~~ “Existing Employee” shall mean an employee whom the Contractor or Service Provider can demonstrate was actively employed by the Contractor or Service Provider for at least 1000 hours in the calendar year prior to bid opening plus one month following bid opening, and who was performing work in the construction trades.

~~L.~~ “Labor Hours” shall mean the actual number of hours worked by workers receiving an hourly wage who are employed on the site of a Public Work or Improvement, and who are subject to state



1 or federal prevailing wage requirements. The term “Labor Hours” shall include hours performed by
 2 workers employed by the Contractor or Service Provider and all Subcontractors, and shall include
 3 additional hours worked as a result of a contract or project adjustment or pursuant to an agreed upon
 4 change order. The term “Labor Hours” shall not include hours worked by workers who are not
 5 subject to the prevailing wage requirements set forth in either RCW 39.12 or the Davis-Bacon Act -
 6 40 U.S.C. 276 (a).

7 ~~L~~M. “LEAP Program” or “Program” shall mean the City of Tacoma’s Local Employment and
 8 Apprenticeship Training Program, as described in this chapter.

9 ~~M~~N. “Pierce County Apprentice” shall mean any person, not defined as a ~~Renewal~~
 10 ~~Community/Resident of the~~ Community ~~Empowerment~~ Enterprise Zone, ~~Resident of a Targeted Area,~~
 11 or Resident of Tacoma, who continues to occupy a dwelling within the boundaries of Pierce County,
 12 has a present intent to continue residency within the boundaries of Pierce County, who demonstrates
 13 the genuineness of that intent by producing evidence that the person’s presence is more than merely
 14 transitory in nature, and who is enrolled in a course of training specific to a particular construction
 15 trade or craft, which training shall be approved by the Washington State Apprenticeship and
 16 Training Council established pursuant to RCW 49.04.010.

17 O. “Pierce County Veteran” shall mean any person, not defined as a Resident of the Community
 18 Empowerment Zone, Tacoma Youth, or Pierce County Youth, who served for any length of time in
 19 any military service branch and who continues to occupy a dwelling within the boundaries of Pierce
 20 County, has a present intent to continue residency within the boundaries of Pierce County, and who
 21 demonstrates the genuineness of that intent by producing evidence that the person’s presence is more
 22 than merely transitory in nature.

23 P. “Pierce County Youth” shall mean any person, not defined as a Resident of the Community
 24 Empowerment Zone or Tacoma Youth, between the ages of 18-24 who continues to occupy a
 25 dwelling within the boundaries of Pierce County, has a present intent to continue residency within
 26 the boundaries of Pierce County, and who demonstrates the genuineness of that intent by producing
 evidence that the person’s presence is more than merely transitory in nature.

~~N~~Q. “Project Engineer” shall mean the City employee who directly supervises the engineering or
 administration of a particular construction project subject to this chapter.

~~O~~R. “Public Work or Improvement” shall have the same meaning as provided in Section 39.04.010
 RCW, as that Section may now exist or hereafter be amended.

~~P~~. “~~Renewal Community/Community Enterprise Zone~~” (“~~RC/CEZ~~”) shall mean that portion of
 those census tracts which are situated within the City of Tacoma and designated by the State of
 Washington and the federal government as entitled to receive tax incentives because of high levels
 of poverty and unemployment.

~~Q~~S. “Resident of ~~the~~ ~~Renewal Community/Community Enterprise Zone~~” (“~~RC/CEZ~~”
~~Resident~~”) shall mean any person who continues to occupy a dwelling within the boundaries of the
~~Renewal Community/Community Enterprise Zone~~, has a present intent to continue
 residency within the boundaries of the ~~Renewal Community/Community Enterprise~~
 Zone, and who demonstrates the genuineness of that intent by producing evidence that the person’s
 presence is more than merely transitory in nature; provided, however, that an individual initially
 certified as an ~~RC/CEZ~~ ~~Resident~~ shall retain such certification status for a period of up to 2 years or
 1,000 Labor Hours worked from the date of initial certification, whichever is less, and such
 certification shall be recognized for any Civil Project, Building Project, or Service Contract covered
 by this chapter for said certification period. For example, if an individual initially certified as an
~~RC/CEZ~~ ~~Resident~~ on January 1 of calendar year 1 on project A works 900 hours in that calendar
 year on project A, and is thereafter hired to work 700 hours in year 2 on project B, the individual



will retain his or her ~~RC/CEZ~~ status for all hours worked on project B; provided, if the individual commences work on project C after he or she has worked 100 or more hours on project B in year 2, and is no longer an ~~RC/CEZ~~ ~~R~~Resident, the Contractor for project C will not be eligible to count the hours worked by said individual as hours worked by an ~~RC/CEZ~~ resident.

~~RT.~~ RT. “Resident of Tacoma” shall mean any person, not defined as a Resident of ~~Renewal Community/the Community Empowerment Enterprise Zone or of a Targeted Area~~, who continues to occupy a dwelling within the boundaries of the City of Tacoma, has a present intent to continue residency within the boundaries of the City, and who demonstrates the genuineness of that intent by producing evidence that the person’s presence is more than merely transitory in nature.

~~SU.~~ SU. “Resident of Tacoma Power Hydro Project Areas” shall mean any person who continues to occupy a dwelling within the boundaries of the Cowlitz, Cushman, Wynoochee, and Nisqually Hydroelectric projects which are located in Lewis, Mason, Grays Harbor, Pierce, and Thurston counties; has a present intent to continue residency within the boundaries of the Tacoma Power Hydro Project Areas; and who demonstrates the genuineness of that intent by producing evidence that the person’s presence is more than merely transitory in nature.

~~T.~~ T. “Resident of Targeted Area” shall mean any person who (1) continues to occupy a dwelling within the boundaries of a census tract lying within the City of Tacoma and whose unemployment rate is equal to or greater than 8.9 percent based on the most recent census for which data has been published, but which census tract lies wholly or partially outside the boundaries of the ~~Renewal Community/Community Enterprise Zone~~ as the same may, from time to time exist, and (2) who demonstrates the genuineness of that intent by producing evidence that the person’s presence is more than merely transitory in nature. Should the City no longer be designated as an ~~RC/CEZ Community~~, then the census tracts previously designated ~~RC/CEZ~~ and having an unemployment rate equal to or greater than 8.9 percent based on the most recent census for which data has been published shall be designated as a “Targeted Area.”

~~UV.~~ UV. “Seattle’s (City of) Duwamish and White Center Community Empowerment Zone” (“CEZ”) shall mean that portion of those census tracts which are situated within the City of Seattle and designated by the state of Washington as entitled to receive tax incentives because of the high levels of poverty and unemployment. See Figure 1.

~~VW.~~ VW. “Service Area - Electrical” or “Electrical Service Area” shall mean that area served with retail sales by the Electrical Utility of the City of Tacoma at the time a bid is published by the Electrical Utility for a Public Work or Improvement to be performed primarily for the Electrical Utility.

~~WX.~~ WX. “Service Area - Water” or “Water Service Area” shall mean that area served with retail sales by the water utility of the City of Tacoma at the time a bid is published by the water utility for a Public Work or Improvement to be performed primarily for the water utility.

~~XY.~~ XY. “Service Contract” shall mean all City contracts relating to a Public Work or Improvement which utilize labor at a City site and which are not within the exceptions to nor defined as “Building Projects” or “Civil Projects.”

~~YZ.~~ YZ. “Subcontractor” means a person, corporation, partnership, or joint venture that has contracted with the Contractor or Service Provider to perform all or part of the work to construct a Public Work or Improvement by a Contractor.

~~ZAA.~~ ZAA. “Tacoma Apprentice” shall mean any person who continues to occupy a dwelling within the boundaries of the City of Tacoma, has a present intent to continue residency within the boundaries of the City of Tacoma, who demonstrates the genuineness of that intent by producing evidence that the person’s presence is more than merely transitory in nature, and who is enrolled in a course of training specific to a particular construction trade or craft, which training shall be approved by the Washington State Apprenticeship and Training Council established pursuant to RCW 49.04.010.



1 ~~AA~~BB. “Tacoma Power Hydro Project Areas ” shall mean those areas within the boundaries of the Cowlitz, Cushman, Wynoochee, and Nisqually Hydroelectric projects, which are located in Lewis, Mason, Grays Harbor, Pierce, and Thurston counties.

2 CC. “Tacoma Veteran” shall mean any person, not defined as a Resident of the Community Empowerment Zone or Tacoma Youth, who served for any length of time in any military service branch and who continues to occupy a dwelling within the boundaries of the City of Tacoma, has a present intent to continue residency within the boundaries of the City, and who demonstrates the genuineness of that intent by producing evidence that the person’s presence is more than merely transitory in nature.

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5 ~~BB~~DD. “Tacoma Water’s Green River Headworks and Watershed Area” shall mean that area in King County that is served with retail sales by the water utility of the City of Tacoma at the time a bid is published by the water utility for a public work or improvement to be performed primarily for the water utility." See Figure 2.

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8 EE. “Tacoma Youth Resident” shall mean any person, not defined as a Resident of the Community Empowerment Zone, between the ages of 18-24 who continues to occupy a dwelling within the boundaries of the City of Tacoma, has a present intent to continue residency within the boundaries of the City, and who demonstrates the genuineness of that intent by producing evidence that the person’s presence is more than merely transitory in nature.

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10 ~~CC. “Targeted Area” shall mean those census tracts, or portions thereof, situated in the City of Tacoma that are outside the RC/CEZ and whose unemployment rate is equal to or greater than 8.9 percent based on the most recent census for which data has been published. Should the City no longer be designated as an RC/CEZ Community, then Targeted Area shall mean those census tracts having an unemployment rate equal to or greater than 8.9 percent based on the most recent census for which data has been published.~~

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14 **1.90.040 LEAP goals.**

15 **A. Utilization Goals.**

16 1. All Contractors constructing Civil Projects or Building Projects, and all Service Providers involved with the construction of a Public Work or Improvement, shall ensure that the lesser of at least 15 percent of the total Labor Hours actually worked on the Project, or 15 percent of the Estimated Labor Hours, are performed by persons having their residence within the boundaries of the City of Tacoma, whether or not an Apprentice, or by Apprentices who are residents of Pierce County, unless as adjusted per subsection B below.

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19 2. Twenty-five percent (25%) of the Labor Hours or Estimated Labor Hours identified as the LEAP Utilization Goal above shall have work performed by ~~an RC/CEZ Resident or a Resident of a Targeted Area~~; provided, however, that the Utilization Goal Estimated Labor Hours are subject to adjustment as provided in subsection B below.

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21 3. If the Project is located within the Tacoma Power Hydro Project Areas, then 25 percent of the Labor Hours or Estimated Labor Hours identified as the LEAP Utilization Goal above in subsection A.1 or A.2 may be work performed by a Resident of the Tacoma Power Hydro Project Areas in which the Building Project, Civil Project, or Service Contract is located; provided however, that the Utilization Goal Estimated Labor Hours are subject to adjustment as provided in this section.

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24 4. If the Project is within the Tacoma Water Green River Headworks and Watershed Area, then the 25 percent requirement of the Labor Hours or Estimated Labor Hours identified in subsection A.1 or A.2 above as the LEAP Utilization Goal may be work performed by Apprentices who reside in King County or by a Resident of the Duwamish and White Center CEZ or of Tacoma Water Green River Headworks and Watershed Area in which the Building Project, Civil Project, or Service Contract is



located; provided however, that the Utilization Goal Estimated Labor Hours are subject to adjustment as provided in this section.

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5. All Contractors and Service Providers shall submit a LEAP Utilization Plan as provided for in the regulations adopted under this chapter, and shall meet with the LEAP Coordinator to review said Plan prior to being issued a Notice to Proceed. Failure to submit a LEAP Utilization Plan may be grounds for the City to withhold remittance of a progress payment until such Plan is received from the responsible Contractor or Provider. A meeting with the LEAP Coordinator prior to issuance of a Notice to Proceed shall be excused only when the LEAP Coordinator is unavailable to meet prior to the scheduled date for issuance of the Notice to Proceed and the Contractor and the LEAP Coordinator have otherwise scheduled a meeting for the coordinator to review the Contractor's or Provider's plan.

The Contractor or Service Provider shall be responsible for meeting the LEAP utilization goal requirements of the contract, including all amendments and change orders thereto, and shall be responsible for overall compliance for all hours worked by Subcontractors. To the extent possible, the Contractor or Service Provider shall recruit Apprentices from multiple trades or crafts.

B. Adjustments.

Contractors and Service Providers may achieve compliance with their LEAP Utilization Goal obligation through any combination of the following:

1. The number of hours worked by a Resident of the ~~CEZ Empowerment Zone, Renewal Community~~, or Seattle's Duwamish and White Center CEZ shall be multiplied by two;
2. The number of hours worked by a ~~Resident of a Targeted Area~~ Tacoma Youth, Tacoma Veteran or Tacoma Apprentice shall be multiplied by 1.5;
3. The number of hours worked by a Resident of Tacoma, Pierce County Youth, Pierce County Veteran or a Pierce or King County Apprentice shall be multiplied by 1;
4. The number of hours worked by a Tacoma Power Hydro Project Areas Resident shall be multiplied by 1.
5. Should the Contractor or Service Provider be unable to satisfy the sub-utilization goal requirement that 25 percent of the utilization goal hours be worked by ~~RC/CEZ Residents or Targeted Area residents~~, the Contractor or Service Provider shall cure such deficiency by achieving a 2-for-1 ratio of hours worked by a Pierce County Apprentice, Pierce County Youth, Pierce County Veteran, Tacoma Power Hydro Project Areas Resident, or Resident of Tacoma for every unmet, ~~RC/CEZ Resident or Targeted Area resident~~ labor hour until the ~~RC/CEZ or Targeted Area~~ deficiency is met. For example, if a Contractor has a total LEAP utilization goal of 20 hours, but is only able to achieve 4 of the 5 sub goal labor hours, then the Contractor must achieve a total of 17 non-~~RC/CEZ Resident, Targeted Area resident~~ labor hours to satisfy the deficiency (15 non-sub goal hours plus 2 labor hours for the 1 missed sub goal hour).
6. For projects in the Tacoma Water Green River Headworks and Watershed Area, should the Contractor or Service Provider be unable to satisfy the subutilization goal requirement that 25 percent of the utilization goal hours be worked by ~~RC/CEZ Residents or Targeted Area residents~~, the Contractor or Service Provider shall cure such deficiency by achieving a 2-for-1 ratio of hours worked by a King County Apprentice or Duwamish and White Center CEZ resident for every unmet ~~RC/CEZ Resident or Targeted Area~~ labor hour until the deficiency is met.

C. Failure to Meet Utilization Goal.

1. Contracts for the construction of Building projects or Civil projects and Service Contracts shall provide that Contractors or Service Providers failing to meet the LEAP utilization goals shall be



assessed an amount for each hour that is not achieved. The amount per hour shall be based on the extent the Contractor or Service Provider met its goal. The amount per hour that shall be assessed shall be as follows:

Percent of Goal Met	Assessment per unmet hour
100%	\$ 0.00
90% - 99%	\$ 2.00
75% to 89%	\$ 3.50
50% to 74%	\$ 5.00
1% to 49%	\$ 7.50
0%	\$10.00

When determining the percent of goal that is met, all rounding shall be down to the nearest whole percent. No penalty shall be waived by the City unless it is determined by the Director to be in the best interests of the City, which determination shall be made after consultation with the LEAP Coordinator.

2. Deposit of Assessments. All assessments imposed pursuant to this section shall be deposited into a separate account and utilized to support the City’s pre-apprenticeship and training program. The policies and regulations adopted by the City Manager and Director of Utilities pursuant to this chapter shall address issues pertaining to a Contractor’s existing workforce. Contributions need not be made for Labor Hours that have been adjusted in accordance with Section 1.90.040(E).

D. LEAP Reports. Notwithstanding the provisions of TMC 1.90.100, the Director shall, not less than annually, publish a LEAP report setting forth Contractor compliance with this chapter. Said report shall include information on all contracts and all Contractors to which this chapter applies, and shall detail the level and nature of LEAP participation by contract and by Contractor, The Director’s LEAP report may include such other information as may be helpful to assuring fair and accurate representation of the contracts, Contractors or projects covered in the report. The Director’s LEAP reports may be considered by the Board of Contracts and Awards in its determinations as to bidder responsibility.

E. LEAP Goal Adjustments.

1. LEAP utilization goals may be adjusted prior to bid opening and/or as a result of a contract amendment or change order on a Building Project, Civil Project, or Service Contract.

a. If LEAP utilization goals are adjusted prior to bid opening, they shall be set forth in the bid or Request For Proposal advertisement and specification documents or in an addendum timely provided to prospective bidders, provided that such adjustment shall be based upon a finding by the Project Engineer that the reasonable and necessary requirements of the contract render LEAP utilization unfeasible at the required levels. The Director shall concur with the Project Engineer’s finding, provided that should the Project Engineer and the Director fail to reach agreement on the Project Engineer’s finding, then in that circumstance the matter shall be referred to the City Manager or the Director of Utilities, as appropriate, for ultimate resolution. Notwithstanding any other provision of this chapter to the contrary, the decision of the City Manager or the Director of Utilities with regard to LEAP goal adjustment may not be appealed.

b. If LEAP utilization goals are adjusted due to contract amendment or change order, the amount of adjustment shall be consistent with the utilization goals set forth in this chapter and shall be



determined pursuant to regulations adopted pursuant to this chapter for administration of LEAP utilization goal adjustments.

1 2. The methodology of determining the appropriate adjustments to LEAP utilization goals shall be
2 determined in consultation with the LEAP Advisory Committee, established pursuant to this
ordinance for so long as the LEAP Advisory Committee remains in existence.

3 3. LEAP utilization goals shall not apply to those portions of a project that are funded by sources
4 other than (a) City funds, or (b) funds which the City expends or administers in accordance with the
5 terms of a grant to the City, provided that the Project Engineer shall notify the Director of such non-
application prior to bid advertisement. For the purposes of this paragraph, credits extended by
another entity for the purpose of providing project funding shall not be considered to be City funds.

6 F. Utilization - Electrical Projects Outside Electrical Service Area. Civil Projects or Building
7 Projects that are constructed primarily for the benefit or use by the City's Electrical Utility, which
are wholly situated outside the Electrical Service Area, and for which the estimated cost is less than
\$1,000,000.00, are exempt from the requirements of this chapter.

8 G. Utilization - Water Projects Outside Water Service Area. Civil Projects or Building Projects that
9 are constructed primarily for the benefit or use by the City's water utility, which are wholly situated
10 outside the Water Service Area, and for which the estimated cost is less than \$1,000,000.00 are
exempt from the requirements of this chapter.

11 H. Emergency. This chapter shall not apply in the event of an Emergency. For the purposes of this
12 section, an "Emergency" means unforeseen circumstances beyond the control of the City that either:
(a) present a real, immediate threat to the proper performance of essential functions; or (b) will likely
13 result in material loss or damage to property, bodily injury, or loss of life if immediate action is not
taken.

14 I. Conflict ~~W~~with State or Federal Requirements. If any part of this chapter is found to be in conflict
15 with federal or state requirements which are a prescribed condition to the allocation of federal or
16 state funds to the City, then the conflicting part of this chapter is inoperative solely to the extent of
the conflict and with respect to the City departments directly affected. This provision does not affect
17 the operation of the remainder of this chapter. Administrative rules or regulations adopted under this
chapter shall meet federal and state requirements which are a necessary condition to the receipt of
federal or state funds by the City.

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SUBSTITUTE ORDINANCE NO. 28148A

1 AN ORDINANCE relating to pay and compensation; amending Chapter 1.12 of the
2 Tacoma Municipal Code to implement a change in pay for certain
3 nonrepresented executive and nonrepresented classifications, consistent
4 with the Compensation Philosophy as adopted by Resolution No. 38625 on
February 12, 2013; and correcting a pay range for one classification
represented by Teamsters Local Union No. 117, PAF Unit.

5 WHEREAS, on November 18, 2008, the City Council adopted Resolution
6 No. 37639, approving a pay structure concept and Compensation Philosophy that
7 defined the values and goals regarding the consistent implementation of the City's
8 compensation program, and

9 WHEREAS Ordinance No. 27775, passed December 16, 2008, provided for
10 compensation plan language and pay ranges for nonrepresented executive and
11 nonrepresented classifications consistent with the Compensation Philosophy and
12 Pay Structure Concept and Classification and Compensation Study, effective
13 January 5, 2009, and
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15 WHEREAS additional pay structure refinements and classification changes
16 were presented and adopted by the City Council pursuant to Ordinance No. 27805,
17 passed June 2, 2009; and Ordinance No. 27884, passed April 20, 2010, and

18 WHEREAS the Compensation Philosophy was amended pursuant to
19 Resolution No. 38625, adopted February 12, 2013, and

20 WHEREAS this ordinance will provide for the creation of two new
21 classifications, with one unclassified title and one classified title; and one title
22 change, and
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WHEREAS this ordinance will provide for a wage rate adjustment for seven nonrepresented classifications within General Government that have serious compression issues, and

WHEREAS this ordinance provides for a wage increase of 2.7 percent, effective retroactive to January 1, 2013, for the classification of PAF Maintenance Chief, represented by Teamsters Local Union No 117, PAF Unit, which was inadvertently omitted from Ordinance No. 28136, passed March 5, 2013; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 1.12.070 of the Tacoma Municipal Code is hereby amended, effective as provided by law, to read as set forth in the attached Exhibit "A."

Section 2. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective as provided by law, to read as set forth in the attached Exhibit "B."

Section 3. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective retroactive to January 1, 2013, to read as set forth in the attached Exhibit "C."



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Section 4. That Sections 1 and 2 shall become effective as provided by law.
That Section 3 shall become effective retroactive to January 1, 2013.

Passed _____

Mayor _____

Attest:

City Clerk

Approved as to form

Deputy City Attorney



EXHIBIT "A"

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1.12.070 Salary ordinance and annual budget.^[1]

This chapter shall be in force and effect January 1, 1958, and from and after said effective date, employees in each class of position in the City Service shall be compensated according to the basic set hourly rates and salary ranges and schematic lists set forth in Sections 1.12.350 to 1.12.640^[2] inclusive, of this chapter, and subsequent amendments and additions thereto, and in accordance with the annual budgets adopted by the Council pursuant to the laws of the State of Washington. Each annual budget as finally adopted by the City Council shall be the final determining factor for the payment of said compensation during the year to which said budget is applicable and the salaries and wages specifically provided for and set forth therein for each position, applied in conformance with the provisions of this chapter relating to compensation, shall be the salaries and wages to be paid to each officer and employee of the City during said year, unless lawfully changed by ordinance; provided, that, in cases of promotion, transfer, reemployment, and the return of an employee after leave of absence, and in cases of classification or reclassification of positions which, under Section 1.12.050 and under other provisions of this chapter, require the payment of a different wage or salary than that specifically set forth in the annual budget, the compensation to be paid in such cases shall be figured and paid in accordance with said Section 1.12.050 and other pertinent sections of this chapter without ordinance or Council action, if the payment thereof can lawfully be made from funds appropriated in the current annual budget, under the item of salaries and wages, without exceeding such appropriation.

In cases where the annual budget makes provisions for the payments of compensation for any position classification differing from the compensation set forth in said salary ranges, in order to comply with the provisions of subdivision A of Section 1.12.040 of this chapter and the provisions of Section 1.24.360, the employee affected by the provisions of said section shall be paid the compensation for such position as set forth in the annual budget, and in all cases where no provision is made in said salary ranges, the compensation to be paid to any employee shall be that set forth in the annual budget or such compensation as shall be lawfully authorized by the City Council.

Effective January 1, 2012 through December 31, 2012, and notwithstanding the above stated requirement that employees be compensated according to the basic set hourly rates and salary ranges and schematic lists set forth in Sections 1.12.350 to 1.12.640 inclusive, in order to address a budget crisis, for the year 2012 the set hourly rates of nonrepresented General Government employees shall be 4.6 percent less than the rate of pay assigned to them as of December 31, 2011; the set hourly rates of General Government Department Directors shall be reduced an additional 5 percent, for a total pay rate reduction of 9.6 percent. This provision shall be retroactive to January 1, 2012; provided that compensation for sick leave, vacation leave, or personal time off (PTO) leave cashed out due to layoff, retirement, or death shall continue to be compensated at the rate of pay assigned as of December 31, 2011.

* * *

^[1] Preparation of payroll – See Sections 1.20.040 – 1.20.080.
^[2] Code Reviser’s note: Salary schedules [1.12.355] are on file in the City Clerk’s Office.



EXHIBIT "B"

See Next Page

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EXHIBIT "C"

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Code	Title	1	2	3	4	5
5048	PAF Maintenance Chief	28.51	29.93	31.43	33.00	34.65

Code	Title	1	2	3	4	5
5048	PAF Maintenance Chief	<u>29.28</u>	<u>30.74</u>	<u>32.28</u>	<u>33.89</u>	<u>35.59</u>

* * *

Exhibit "B"

Code		Title	1A	1B	1C	1D	2A	2B	2C	2D	3A	3B	3C	3D	4A	4B	4C	4D	5A	5B	5C	5D	6A
0744	A	City Manager, Assistant to the	32.57	32.98	33.39	33.81	34.23	34.66	35.09	35.53	35.98	36.43	36.88	37.34	37.81	38.28	38.76	39.25	39.74	40.23	40.74	41.24	41.76
0524	A	Financial Supervisor	31.62	32.02	32.42	32.82	33.23	33.65	34.07	34.50	34.93	35.36	35.81	36.25	36.71	37.16	37.63	38.10	38.58	39.06	39.55	40.04	40.54
0767	A	Fire Chief	64.83	65.64	66.46	67.29	68.14	68.99	69.85	70.72	71.61	72.50	73.41	74.33	75.25	76.19	77.15	78.11	79.09	80.08	81.08	82.09	83.12
0136	A	Information Technology Supervisor	38.12	38.60	39.08	39.57	40.06	40.56	41.07	41.58	42.10	42.63	43.16	43.70	44.25	44.80	45.36	45.93	46.50	47.08	47.67	48.27	48.87
0772	A	Police Chief	64.48	65.29	66.11	66.93	67.77	68.62	69.47	70.34	71.22	72.11	73.01	73.93	74.85	75.79	76.73	77.69	78.66	79.65	80.64	81.65	82.67
2343		Real Estate Officer	29.31	29.67	30.04	30.42	30.80	31.19	31.58	31.97	32.37	32.77	33.18	33.60	34.02	34.44	34.87	35.31	35.75	36.20	36.65	37.11	37.57
2344	A	Real Estate Officer, Sr	32.56	32.97	33.38	33.80	34.22	34.65	35.08	35.52	35.97	36.42	36.87	37.33	37.80	38.27	38.75	39.23	39.72	40.22	40.72	41.23	41.75
0733	A	PAF Director, Assistant Deputy Operations Manager	41.79	42.31	42.84	43.37	43.92	44.46	45.02	45.58	46.15	46.73	47.31	47.90	48.50	49.11	49.72	50.35	50.97	51.61	52.26	52.91	53.57

Code		Title	1A	1B	1C	1D	2A	2B	2C	2D	3A	3B	3C	3D	4A	4B	4C	4D	5A	5B	5C	5D	6A
0744	A	City Manager, Assistant to the	46.52	47.10	47.69	48.29	48.89	49.50	50.12	50.75	51.38	52.02	52.67	53.33	54.00	54.67	55.36	56.05	56.75	57.46	58.18	58.90	59.64
0524	A	Financial Supervisor	33.44	33.86	34.28	34.71	35.14	35.58	36.03	36.48	36.93	37.39	37.86	38.34	38.81	39.30	39.79	40.29	40.79	41.30	41.82	42.34	42.87
0767	A	Fire Chief	72.98	73.89	74.81	75.75	76.70	77.65	78.62	79.61	80.60	81.61	82.63	83.66	84.71	85.77	86.84	87.93	89.02	90.14	91.26	92.40	93.56
0136	A	Information Technology Supervisor	41.16	41.68	42.20	42.72	43.26	43.80	44.35	44.90	45.46	46.03	46.61	47.19	47.78	48.38	48.98	49.59	50.21	50.84	51.48	52.12	52.77
0772	A	Police Chief	72.98	73.89	74.81	75.75	76.70	77.65	78.62	79.61	80.60	81.61	82.63	83.66	84.71	85.77	86.84	87.93	89.02	90.14	91.26	92.40	93.56
2343		Real Estate Officer	31.54	31.93	32.33	32.73	33.14	33.56	33.98	34.40	34.83	35.27	35.71	36.15	36.61	37.06	37.53	38.00	38.47	38.95	39.44	39.93	40.43
2344	A	Real Estate Officer, Sr	35.04	35.48	35.92	36.37	36.82	37.28	37.75	38.22	38.70	39.18	39.67	40.17	40.67	41.18	41.69	42.21	42.74	43.28	43.82	44.37	44.92
0733	A	PAF Director, Assistant Deputy Operations Manager	41.79	42.31	42.84	43.37	43.91	44.46	45.02	45.58	46.15	46.73	47.31	47.90	48.50	49.11	49.72	50.34	50.97	51.61	52.26	52.91	53.57
0728	A	PAF Marketing Manager	33.00	33.41	33.83	34.26	34.68	35.12	35.56	36.00	36.45	36.91	37.37	37.83	38.31	38.79	39.27	39.76	40.26	40.76	41.27	41.79	42.31
1153		Video Production Assistant	17.70	17.92	18.14	18.37	18.60	18.83	19.07	19.31	19.55	19.79	20.04	20.29	20.54	20.80	21.06	21.32	21.59	21.86	22.13	22.41	22.69



ORDINANCE NO. 28149

1 AN ORDINANCE relating to the City's Minimum Building and Structures Code;
2 amending Chapter 2.01 of the Tacoma Municipal Code ("TMC") relating to
3 standards for existing buildings and structures and clarifying the role of the
4 Board of Building Appeals in processing appeals; and amending
5 Chapter 2.17 of the TMC relating to appeals considered by the Board of
6 Building Appeals.

7 WHEREAS Chapter 2.01 of the Tacoma Municipal Code ("TMC"), "Minimum
8 Building and Structures Code," was enacted to preserve the City's existing building
9 stock and provide tools for minimum building standards and enforcement, and

10 WHEREAS the proposed amendments will be the first major update since
11 codification in 1999, and

12 WHEREAS City staff worked extensively with Historic Tacoma and other
13 community organizations, as well as an internal stakeholder group consisting of
14 representatives from the Planning and Development Services Department, Fire
15 Department, and the City's Historic Preservation Officer and ADA Coordinator, on
16 business improvements and the final draft of the proposed modifications, and

17 WHEREAS the proposed amendments will shorten timeframes for
18 enforcement, ensure consistency with other sections of the TMC, clarify cost
19 recovery mechanisms, address concerns raised regarding elevator accessibility,
20 and enhance language related to historic preservation, and

21 WHEREAS the proposed amendments were presented at the April 1, 2013,
22 meeting of the Neighborhoods and Housing Committee and received a "Do Pass"
23 recommendation; Now, Therefore,
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25 BE IT ORDAINED BY THE CITY OF TACOMA:
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Section 1. That Chapter 2.01 of the Tacoma Municipal Code is hereby amended as set forth in the attached Exhibit "A."

Section 2. That Chapter 2.17 of the Tacoma Municipal Code is hereby amended as set forth in the attached Exhibit "B."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

Chapter 2.01

MINIMUM BUILDING AND STRUCTURES CODE

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Sections:

- 2.01.010 Title.
- 2.01.020 Purpose.
- 2.01.030 Scope.
- 2.01.040 Additions, alterations, and change of use.
- 2.01.050 Definitions.
- 2.01.060 Administration and Process.
- 2.01.070 Minimum building requirements.
- 2.01.080 Repair standards.
- 2.01.090 Unoccupied or vacant building standards.
- 2.01.100 *Repealed.*

* * *

2.01.020 Purpose.

The purpose of this chapter is for the protection of the health, safety, and welfare of the occupants and that of the general public by:

- A. Establishing minimum standards for basic equipment and facilities for construction, light, ventilation, heating, sanitation, security, fire, and life safety in structures.
- B. ~~Ensuring~~ encouraging the maintenance and improvement of the City's existing buildings, structures, yards, streets, neighborhoods, and other property.
- C. Avoiding the closure or abandonment of buildings and the displacement of occupants.
- D. Encouraging the use of innovative and economical materials and methods of construction while maintaining minimum levels of safety in buildings in the City.
- E. Promoting maintenance of existing property by recognizing differences between new and existing structures as long as an equal level of safety can be achieved.
- F. Providing for administration and enforcement of this chapter.

2.01.030 Scope.

The provisions of this chapter shall apply to all buildings and the properties on which they are located, including, but not limited to, residential, commercial, and industrial uses. Buildings in existence at the time of the adoption of this chapter may have their existing use or occupancy continued, if such use or occupancy was legal at the time of the adoption of this chapter, provided such use is not changed in intensity from its original purpose and such continued use is not dangerous to the ~~life~~, health, safety, or welfare of the occupants or the general public. Buildings in which the use is changed to a use of equal or less intensity as set forth in the ~~UCIEBC~~ UCIEBC may be permitted without full compliance with the Building Code, provided the building complies with this chapter and the ~~UCIEBC~~ UCIEBC for said use.

2.01.040 Additions, alterations, and change of use.

- A. General. Buildings and structures to which additions, alterations, or changes of use are made shall comply with the applicable requirements of the Building Code for new facilities, except as specifically provided in this section. See the Building Code for provisions requiring installation of smoke detectors in existing Group R Occupancies.
- B. When Allowed. Additions or alterations shall not be made to an existing building or structure which will cause the existing building or structure to be in violation of any of the provisions of the Building Code or this



chapter, nor shall such additions or alterations cause the existing building or structure to become unsafe. An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or structure to become structurally unsafe or overloaded; will lessen or render unsafe existing egress systems complying with the requirement for the use in effect at the time the building was constructed, and approved by a certificate of occupancy; or will reduce required fire resistance or will otherwise create conditions dangerous to human life.

Additions or alterations shall not be made to an existing building or structure when such existing building or structure is not in full compliance with the provisions of the Building Code.

Exceptions:

1. When such addition or alteration will result in the existing building or structure being no more hazardous based on life safety, fire safety, and sanitation, than before such additions or alterations are undertaken, and such addition or alteration is in compliance with the ~~UE~~IEBC. (See the Building Code for Group H, Division 6 Occupancies.)

2. Alterations of existing structural elements, or additions of new structural elements, which are not required by this chapter or the Building Code and which are initiated for the purpose of increasing the lateral-force-resisting strength or stiffness of an existing structure need not be designed for forces conforming to the Building Code, provided that an engineering analysis is submitted to show that:

- a. The capacity of existing structural elements required to resist forces is not reduced, and
- b. The lateral loading to required existing structural elements is not increased beyond their capacity, and
- c. New structural elements are detailed and connected to the existing structural elements as required by the Building Code, and
- d. New or relocated non-structural elements are detailed and connected to existing or new structural elements as required by the Building Code, and
- e. An unsafe condition as defined above is not created.

C. Non-structural. Alterations or repairs to an existing building or structure which are non-structural and do not adversely affect any structural member or any part of the building or structure having required fire resistance may be made with the same materials of which the building or structure is constructed.

D. ~~Class~~ Window Replacement. The installation or replacement of ~~glass~~ window shall be as required for new installations. Historic structures may qualify for an exemption from this requirement per Section F below.

E. Restoration of Buildings. Restoration of buildings ~~shall~~ may be required to be in accordance with the applicable provisions of the Building Code and this chapter.

F. Buildings Designated as ~~Historic~~ Landmarks or Located in ~~Historically Designated Areas~~ Historic Special Review or Conservation Districts. Buildings or structures which are designated as ~~Historic~~ City Landmarks or are located in designated ~~Historic~~ Special Review or Conservation Districts shall require the approval of the City of Tacoma Landmarks Preservation Commission before making additions, repairs, or alterations to the building or structure, or before demolishing the building or structure, per Tacoma Municipal Code ("TMC") 13.05.

2.01.050 Definitions.

For the purpose of this chapter, certain terms, phrases, words, and their derivatives shall be construed as specified in this section. Terms, phrases, and words used in the singular include the plural, and the plural the singular. Terms, phrases, and words used in the masculine gender include the feminine, and feminine the masculine.

Where terms, phrases, and words are not defined herein, their definition shall be taken from the Building Code and, if not defined therein, shall have their ordinary accepted meaning within the context which they are used. Any definitions which are in conflict with or are not referenced by this chapter shall refer back to the Building Code currently adopted and amended by Chapter 2.02 of the Tacoma Municipal Code. For any definitions



1 [which are not referenced in the Building Code, as adopted and amended by Chapter 2.02 of the Tacoma Municipal Code.](#) *Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986* [most current version](#), shall be considered as providing ordinary accepted meanings.

2 “Accessory structure” is any structure which is incidental and subordinate to the main building(s) and is
3 located on the same property as the main building. Accessory structures may be attached to or detached from
4 the main structure. Examples of accessory structures include: garages, carports, sheds, and other similar
5 buildings; decks, awnings, heat pumps, fences, trellises, flag poles, tanks, towers, exterior stairs and walkways,
6 and other exterior structures on the property.

7 “Accessory use” is a use customarily incidental and subordinate to the main building or principal use and
8 located on the same lot ~~therewith~~.

9 “Apartment house” is any building, or portion thereof, which contains three or more dwelling units and, for the
10 purpose of this chapter, includes condominiums.

11 “Approved” (as to materials and types of construction) refers to approval by the Building Official as the result
12 of investigation and tests conducted by the Building Official, or by reason of accepted principles or tests by
13 recognized authorities, or technical or scientific organizations.

14 “Basement” is ~~any floor level below the first story in a building, except that a floor level in a building having
15 only one floor level shall be classified as a basement, unless such floor level qualifies as a first story as defined
16 herein.~~

17 “Bathroom” is a room used for personal hygiene and which contains a water closet, a lavatory, and either a
18 bathtub or a shower.

19 “Bathtub” is a container for personal washing, large enough to allow the person to sit partially submerged in
20 water.

21 “Blight” is a condition of deterioration, dilapidation, decay, or substandard maintenance of buildings,
22 structures, and/or properties which constitutes a menace to the health, safety, or welfare of the public or which
23 negatively affects the value of surrounding property.

24 “Blighting conditions” are violations of this chapter, the Building Code, or other City ordinances, which are
25 determined by the Building Official to be detrimental to the health, safety, or welfare of the public.

26 “Boarding house” is a lodging house in which meals are provided.

“Building” is any structure used or intended for supporting or sheltering any use or occupancy.

“Building, existing” is a building erected prior to the adoption of this chapter, or one for which a legal building
permit has been issued.

“Building Code” shall mean the Building Code as adopted and amended by Chapter 2.02 of the Tacoma
Municipal Code.

“Building Inspector” is an authorized representative of the Building Official, whose primary function is the
inspection of buildings and/or the enforcement of the City ordinances.

“Building Official” shall mean the individual authorized by the Director of the Planning and Development
Services Department of the City of Tacoma, charged with the administration and enforcement of the Building
Code, or his or her duly authorized representatives.

“Ceiling height” shall be the clear vertical distance from the finished floor to the finished ceiling.

“Certificate of ~~e~~Complaint” is a Findings of Fact and Order, or other document, filed with the Pierce County
Auditor, stating the property is in violation of Chapter 2.01 of the Tacoma Municipal Code.

“City” shall mean the City of Tacoma.



1 “City landmark” is a property that has been individually listed on the Tacoma Register of Historic Places, or
2 that is a contributing property within a Historic Special Review or Conservation District as defined in Chapter
3 13.05 of the Tacoma Municipal Code.

4 ~~“Congregate residence” is any building, or portion thereof, which contains facilities for living, sleeping, and~~
5 ~~sanitation, as required by this chapter, and may include facilities for eating and cooking for occupancy by other~~
6 ~~than a family. A congregate residence may be a shelter, convent, monastery, dormitory, or fraternity or sorority~~
7 ~~house, but does not include jails, hospitals, nursing homes, hotels, or lodging houses.~~

8 “Court” is a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on
9 three or more sides by walls of a building.

10 “Dangerous buildings or structures” means, for the purpose of this chapter, any building or structure having
11 conditions or defects which exist to the extent that the ~~life, health, property, or safety,~~ or welfare of the public
12 or its occupants are endangered. Specific conditions which determine whether a building is dangerous are
13 listed in Table E – Dangerous Buildings and Structures, in Section 2.01.060.

14 “Derelict buildings or structures” means, for the purposes of the chapter, any building or structure where
15 conditions exist which make the building or structure unfit for human occupancy. Specific conditions which
16 determine whether a building or structure is derelict are listed in Table D – Derelict Buildings or Structures, in
17 Section 2.01.060.

18 ~~“Dormitory” means:~~

19 ~~A. A college or university residence hall, including sorority or fraternity buildings; or~~

20 ~~B. A room containing three or more beds and serving as communal sleeping quarters.~~

21 ~~C. See also congregate residence.~~

22 ~~“Dwelling” is any building or portion thereof which contains not more than two dwelling units.~~

23 ~~“Dwelling unit” is any building or portion thereof which contains living facilities, including provisions for~~
24 ~~sleeping, eating, cooking, and sanitation, as required by this chapter, for not more than one family, or a~~
25 ~~congregate residence for ten or less persons.~~

26 “Efficiency dwelling unit” is a dwelling unit containing only one habitable room.

“Enforcement” is the administrative process, within the legal authority of federal, state, and local law, that
permits the City to assure compliance with the provisions of this chapter.

“Exit” is a continuous and unobstructed means of egress to a public way and shall include, but is not limited to,
intervening aisles, doors, doorways, gates, corridors, exterior exit balconies, ramps, stairways, pressurized
enclosures, horizontal exits, exit passageways, exit courts, and yards.

“Exterior property area” is the open space on the premises and on public property abutting the premises under
the control of the owner or on-site manager of such premises.

“Extermination” is the elimination of insects, rodents, vermin, or other pests at or about the affected building.

“Family” is an individual or two or more persons related by blood or marriage, or a group of not more than
five persons (excluding household employees) who need not be related by blood or marriage, living together in
a dwelling unit.

“Final ~~o~~Order” means any order of the Board of Building Appeals, Hearing Examiner or Hearing Officer,
where an appeal is not ~~taken~~ filed within the time provided by law.

“Fire Chief” is the head of the Tacoma Fire Department or a duly authorized representative.

“Floor area” is the area included within the surrounding exterior walls of a building or portion thereof,
exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with
surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.



1 “Grade” (adjacent ground level) is the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building.

2 “Graffiti” is any unauthorized writing, painting, drawing, inscription, figure, or mark of any type that has been placed upon any property through the use of paint, ink, chalk, dye markers, objects, or any other substance capable of marking property.

3 “Guest” is any person renting or occupying a room for living or sleeping purposes.

4 “Guest room” is any room or rooms used, or intended to be used, by a guest for sleeping purposes. Every 100 square feet of superficial floor area in a dormitory is a guest room.

5 “Habitable space” or “habitable room” is space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space.

6 “Health Officer” is the Director of the Tacoma-Pierce County Health Department, or his or her duly authorized representatives.

7 “Hearing Officer” is the Director of the Planning and Development Services Department, or a duly authorized representative.

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10 “Historic resource” is any property that has been determined to be eligible by the City Historic Preservation Officer or Washington State Department of Archaeology and Historic Preservation staff for listing in the Tacoma Register of Historic Places, the Washington State Heritage Register, or the National Register of Historic Places, or any property that appears to be eligible for such listing by virtue of its age, exterior condition, or known historical associations, or inclusion in the City Historic Building Inventories.

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13 “Hotel” is any building containing six or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied, for sleeping purposes by guests. It does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention home, or other institution in which human beings are housed and detained under legal restraint.

14
15 “IEBC” is the International Existing Building Code, as adopted and amended by the City in Chapter 2.02 of the Tacoma Municipal Code.

16 “Improper” shall mean unsuitable, inappropriate, or not up to acceptable minimum standards.

17 “Infestation” is the presence of insects, rodents, vermin, or other pests to a degree that is harmful to the building or its occupants.

18 “Inspection” is the examination of property by the Building Official, or his or her duly authorized representative, for the purpose of evaluating its condition as provided by this chapter.

19 “Interested party” is any person or entity that possesses any legal or equitable interest of record in a property, including, but not limited to, the holder of any lien or encumbrance on the property.

20
21 “Kitchen” shall mean a room used, or designed to be used, for the preparation of food.

22 “Lavatory” is a fixed wash basin connected to hot and cold running water and the building sanitary waste system and used primarily for personal hygiene.

23 “Licensed care” shall include buildings, structures, or portions thereof, used for the business of providing licensed care to clients in one of the following categories regulated by either the Washington [State](#) Department of Health or the [Washington State](#) Department of Social and Health Services:

- 24 A. Adult family home.
- 25 B. Adult residential rehabilitation facility.
- 26 C. Alcoholism - intensive inpatient treatment service.
- D. Alcoholism - detoxification service.



E. Alcoholism - long-term treatment service.

F. Alcoholism - recovery house service.

G. Boarding home.

H. Group care facility.

I. Group care facility for severely and multiple handicapped children.

J. Residential treatment facility for psychiatrically impaired children and youth.

Exception: Where the care provided at an alcoholism detoxification service is acute care similar to that provided in a hospital, the facility shall be classified as a hospital.

~~“Local agent” is a person, firm, corporation, or other legal entity:~~

~~A. Whose principal residence and/or property management office, and place of receiving mail, is located either within Pierce County or within a 50-mile radius of the Tacoma Municipal Building;~~

~~B. Who is the person, firm, or corporation designated by the owner to receive official mail from the City regarding maintenance of the property and actions taken by the City under this chapter; and~~

~~C. Who is authorized by the owner to act on behalf of the owner in such matters.~~

~~“Lodging house” is any building or portion thereof containing not more than five guest rooms where rent is paid in money, goods, labor, or otherwise.~~

“Maintenance” means keeping property in proper condition.

“Motel” (See “Hotel.”).

“Nuisance” is any of the following:

A. Any public nuisance known at common law or as defined by legal court, especially nuisances defined in Chapter 8.30 of the Tacoma Municipal Code.

B. Whatever is dangerous to human life or is detrimental to health, safety, or welfare.

“Occupancy” is the lawful purpose for which a building, or part of a building, is used or intended to be used.

“Occupant” is any person (including owner or on-site manager) occupying a structure or portion of a structure.

“On-site manager” is any person on site, representing the owner, who has charge, care, or control for the day-to-day operations of a building or portion of a building offered for occupancy.

“Owner” is any person, including any natural person, joint venture, partnership, association, club, company, corporation, business trust, or organization, or the manager, lessee, agent or officer, or having an 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 ~~agent, firm, or corporation having a legal or equitable interest in the property.~~

“Partially Secured” means a portion of the building sealed to the weather or unauthorized third-party entry.

“Person” is a natural person, his or her heirs, executors, administrators, or assigns, and also includes a firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

“Plumbing” or “plumbing fixture” is any water heating facilities, water pipes, vent pipes, garbage or disposal units, lavatories, water closets, urinals, bathtubs, shower baths, installed clothes-washing machines or other similar equipment, catch basins, sanitary waste systems, storm sewer systems, vents, or other similarly supplied fixtures, together with all connections to water, gas, sewer, or vent lines.

“Posted” is the placement of an official notice that a building or structure is in violation of this chapter. The notice is attached to the building or structure and states “MUST NOT BE OCCUPIED.”



1 “Public right-of-way” includes the area of land, the right of possession of which is secured by the City for
2 right-of-way purposes and includes the traveled portion of the public streets and alleys, as well as the border
3 area, which includes, but is not limited to, sidewalks, driveway approaches, planting strips, traffic circles,
4 parkways or medians, or the area between the sidewalk and curb line.

5 “Recreational vehicle” is a vehicle constructed to be licensed for operation on streets, highways, and
6 waterways. Recreational vehicles are designed to provide accommodations for sleeping, and may have cooking
7 facilities, water closets, sinks, lavatories, showers, and similar plumbing facilities. The four classifications of
8 recreational vehicles are, but are not limited to:

9 A. Motor Home. A self-motorized recreational vehicle.

10 B. Residential or Travel Trailer. A recreational vehicle designed to be towed by a motorized vehicle, including
11 fifth-wheel trailers, tent trailers, or similar types of vehicles.

12 C. Campers. A recreational unit designed to be installed in and used while in the bed of a truck.

13 D. Boats on Trailers.

14 “Resident” is a person who lives or dwells in a residential structure or similar buildings, including, but not
15 limited to, dwelling units, apartments, congregate care homes, licensed care homes, hotels, motels,
16 convalescent homes, and nursing homes.

17 “Residential property” is any property zoned ~~for~~ exclusively for residential use or any property containing a
18 residential structure.

19 “Residential rental property” is any property within the City containing a dwelling unit for which payment of
20 money, goods and/or services is rented or leased to an individual or group of individuals.

21 “Residential structure” is any building containing one or more dwelling units, ~~or any accessory structure~~
22 ~~related to a dwelling unit.~~

23 “Restoration” means to return a building or structure to a state of utility through alterations and/or repairs. As
24 applied to historic structures, it includes the preservation of those portions or features that are of historical,
25 architectural, and cultural value.

26 “Roof” is an exterior element of a building, sloped less than 60 degrees from the horizontal, which provides
weather protection to the spaces below.

“Secured” refers to a building which is sealed to unauthorized third-party entry.

“Service room” is any room used for storage, bath, or utility purposes, and not included in the definition of
habitable rooms.

~~“Shaft” is an interior space, enclosed by walls or construction, extending through one or more stories or~~
27 ~~basements which connects openings in successive floors, or floors and roof, to accommodate elevators,~~
28 ~~dumbwaiters, mechanical equipment, electrical equipment, or similar devices, or to transmit light or ventilation~~
29 ~~air.~~

30 “Shall,” as used in this chapter, is mandatory.

31 “Sink” is a fixed basin connected to hot and cold running water and a drainage system and primarily used for
32 the preparation of food and the washing of cooking and eating utensils.

33 “Shower” is a compartment which is designed for the purpose of full personal washing of a person in the
34 standing position.

35 “Skylight” is a glazed opening in a roof. Skylights can be either fixed or operable.

36 “Sleeping room” is any room designed, built, or intended to be used for sleeping purposes.

“Smoke detector” is an approved, listed device that senses visible or invisible particles of combustion.



1 “Solid-fuel-burning device” means any device for burning wood, coal, or any other non-gaseous and non-
2 liquid fuel.

3 “Story” is that portion of a building included between the upper surface of any floor and the upper surface of
4 the floor next above, except that the topmost story shall be that portion of a building included between the
5 upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a
6 usable or unused under floor space is more than 6 feet above grade, as defined herein, for more than 50 percent
7 of the total perimeter, or is more than 12 feet above grade, as defined herein, at any point, such usable or
8 unused under floor space shall be considered as a story.

9 “Street,” whether improved or unimproved, is any thoroughfare or public way which has been dedicated or
10 deeded to the public for public use.

11 “Substandard Property,” for the purpose of this chapter, shall mean a building or property where conditions
12 exist which make the building substandard. Specific conditions which determine whether a building or
13 property are maintained in a substandard manner are listed in Table B – Substandard Property, and/or
14 Table C – Fire and Life Safety Hazards, in Section 2.01.060. A substandard building or property may be
15 occupied when, in the opinion of the Building Official, the conditions are not an immediate threat to the health,
16 safety, or welfare of the occupants.

17 “Swimming pool” is an artificial basin, chamber, or tank constructed of impervious material, having a depth of
18 18 inches or more, and used or intended to be used for swimming, diving, or recreational bathing.

19 “Toilet”. See “water closet.”

20 “Transient occupancy” is the occupancy of a dwelling unit in a hotel where the following conditions are met:

- 21 A. Occupancy is charged on a daily basis and is payable no less frequently than every two weeks;
- 22 B. The operator provides maid and linen service on a regular basis;
- 23 C. The period of occupancy does not exceed 30 days; and
- 24 D. If the occupancy exceeds five days, the occupant has a business address or a residence other than at the
25 hotel.

26 “UCBC” is the Uniform Code for Building Conservation, as adopted and amended by the City of Tacoma in
27 Chapter 2.02 of the Tacoma Municipal Code.

28 “Unoccupied” is the condition where a building is not being used at present, but there is the general
29 appearance of an intent to reoccupy the building in the future. Furnishings may or may not have been removed.

30 “Unsecured” refers to any building or structure in which doors, windows, or apertures are open or broken so as
31 to allow unauthorized third-party entry.

32 “Vacant” is the condition where a building is not being used at present, and there is a general appearance of
33 abandonment.

34 “Vermin” is an all inclusive term used to define unwanted, non-human, biological life and shall include, but
35 not be limited to, mice, rats and other rodents, ants, fleas, lice, termites and other insect-like pests, pigeons and
36 other birds, and other biological pests.

37 “Walls” shall be defined as follows:

38 A. “Bearing wall” is any wall meeting either of the following classifications:

- 39 1. Any metal or wood stud wall which supports more than 100 pounds per lineal foot of superimposed load.
- 40 2. Any masonry or concrete wall which supports more than 200 pounds per lineal foot superimposed load, or
41 any such wall supporting its own weight for more than one story.

42 B. “Exterior wall” is any wall or element of a wall, or any member or group of members, which defines the
43 exterior boundaries or courts of a building and which has a slope of 60 degrees or greater with the horizontal
44 plane.



1 ~~C~~B. “Faced wall” is a wall in which the masonry facing and backing are so bonded as to exert a common action under load.

2 ~~D~~C. “Nonbearing wall” is any wall that is not a bearing wall.

3 ~~E~~D. “Parapet wall” is that part of any wall entirely above the roof line.

4 ~~F~~E. “Retaining wall” is a wall designed to resist the lateral displacement of soil or other materials.

5 “Water closet” is a flushable plumbing fixture connected to running water and a drainage system and used for the disposal of human waste.

6 “Water closet compartment” is a room containing only a toilet or only a toilet and lavatory.

7 “Window” shall mean a glazed opening, including glazed doors, which open upon a yard, court, or a vent shaft open and unobstructed to the sky.

8 “Window well” is a soil-retaining structure at a window having a sill height lower than the adjacent ground elevation.

9 “Workmanship” is the quality or mode of execution for building construction normal to the building industry trades.

10 ~~“Yard” is an open, unoccupied space other than a court, unobstructed from the ground to the sky, except where specifically provided by this chapter, on the lot on which a building is situated.~~

11 **2.01.060 Administration and Process.**

12 A. Initial Filing of Complaint.

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

14 1. The Building Official, ~~the Public Works Director,~~ Director of any City of Tacoma Department, ~~the Director of the Tacoma-Pierce County Health Department, the Police Chief, or the Fire Chief,~~ or their duly authorized representatives, have reason to believe that a violation of this Code exists.

15 2. A complaint is filed with the City of Tacoma ~~Department of Public Works~~ by any person, provided that where complaints have been filed by tenants, that the tenant first exhaust all remedies provided through the Washington State Landlord Tenant Act. Complaints may be received either verbally or in writing, and may be anonymous.

16 B. Inspection and Evaluation of Buildings and Property.

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

18 C. Violation Tables.

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



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

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

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

D. Substandard ~~Property~~ Building and Structures.

~~1. General. Where all violations are unrelated to the buildings and structures on the property, the complaint against the property shall be processed under the applicable provisions of the Tacoma Municipal Code.~~

~~2. Standard Property. Property which has been inspected and evaluated, and which received 24 or less violation points, shall be considered standard property and in compliance with this chapter, and no action shall be taken. The complaint shall be closed and all accumulated documentation filed.~~

~~3.1. Non-Standard Property Warning. The owner of property which, by an external inspection, is evaluated as being maintained in a substandard condition and receives 25 to 49 violation points, shall may be considered non-standard property and sent a letter describing the substandard conditions and the appropriate actions for mitigating these conditions. The owner shall may be advised, in writing, that the property is in a declining state, and that if conditions worsen, more formal mitigating actions will may be undertaken. Once the advisory letter is sent, the complaint shall be closed and all accumulated documentation filed. The property may be reinspected one year from the date of the letter and the property may be reevaluated to determine whether additional enforcement procedures need to be taken.~~

~~4.2. Substandard Property Violation. When any property has been inspected and receives 50 or more points as set forth in Table A, the owner shall be notified by letter that the property is "substandard", and the letter shall describe the violations and the appropriate actions for mitigating these violations.~~

~~5.3. Owner Notification, Penalties, Reinspection and Appeals for Substandard Properties shall all be governed by Subsection F, Building Enforcement Procedures.~~

E. Derelict Buildings or Structures.

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

2. Posting and Placement of Utility Restraint. Derelict Buildings or Structures shall be posted "MUST NOT BE OCCUPIED." See Subsection ~~H~~I, Posting of Buildings. Simultaneously, utility restraints shall may be placed on such buildings or structures. See Subsection ~~I~~J, Utility Restraints.

EXCEPTION:

If the derelict building is occupied, the Building Official may grant an extension as to when the building will be vacated and whether a posting or utility restraint is required.

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

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



F. Building Enforcement Procedures.

1. Owner Notification and Penalties.

1 a. When any property has been evaluated, by inspection, as being “Substandard Property” or “Derelict
2 Property”, the owner shall be notified by first class mail , describing the violations and stating that the
3 building, structure, or property has been found to be in violation of this chapter and is “Substandard” or
4 “Derelict.” The owner shall be given ~~30~~21 calendar days from the date of the notice to respond to the Building
5 Official to negotiate a repair plan and schedule.

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

14 b. In the event a valid response to the first notice outlined in subsection (a) is not received in the allotted time,
15 a civil penalty in the amount of \$250, may be assessed. These penalties are intended to be only for remedial
16 purposes. A new letter, stating the assessment of penalties, shall be sent by first class mail. The owner shall be
17 given ~~14~~10 calendar days from the date of the second letter to respond to the letter, and to negotiate a repair
18 plan and schedule with the Neighborhood and Community Services Department of ~~Public Works~~ for correcting
19 the violations to the satisfaction of the Building Official.

20 ~~c. In the event a valid response to the second notice as outlined in subsection (b) is not received in the allotted
21 time, an additional civil penalty in the amount of \$250 may be assessed. A third letter, stating the additional
22 assessments of penalties, shall be sent by first class mail. The owner shall be given 14 calendar days from the
23 date of the third letter to respond, and to negotiate a repair schedule with Planning and Development Services
24 for correcting the violations to the satisfaction of the Building Official.~~

25 ~~c.~~ The process described in Subsection (~~e~~b) above shall be repeated on a regular schedule and a civil penalty
26 may be assessed every day until such time as there is a valid response. In the event that no response is received
and assessed penalties are equal to or exceed have accumulated in excess of \$1,0500.00, the City shall ~~may~~ file
a Certificate of Complaint with the Pierce County Auditor to be attached to the title of the property. A copy of
the Certificate of Complaint shall be sent to the property owner and may be sent to all tenants, if different from
the owner.

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

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

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

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

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

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



d. If permits are not required, the repair [plan and](#) schedule shall outline when the violations identified in the Substandard or Derelict Property Report will be corrected.

1 e. EXCEPTIONS:

2 The Building Official may grant extensions to the repair [plan and](#) schedule, or agree to an alternative repair
3 [plan and](#) schedule, for sufficient reasons on written request. Such requests must be filed with the Building
4 Official prior to the deadlines set for the completion of the construction.

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

14 The Building Official may also issue penalties in the amount of \$250 per day if after the initial contact, any of
15 the following occur:

- 16 a. the owner and the City cannot agree upon a repair [plan and](#) schedule, or extension thereto or
17 b. the owner does not submit plans and specifications for approval, according to the schedule, for the repair of
18 the building, or
19 c. the owner fails to obtain the permits in a timely manner when they are ready to be issued, or
20 d. the owner fails to start repairs, or
21 e. the owner, once having started repairs, fails to meet intermediate progress goals.

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

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

5. Reviews by the Building Official.

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

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

b. How to Request Administrative Review.

i. Appeal of a Notice of Violation [or Civil Penalty](#). A person, firm, or corporation may request an
administrative review by the Building Official of the Notice of Violation for a Substandard or Derelict
Building(s), by filing a written request with ~~Planning and Development~~ [the Neighborhood and Community
Services Department](#) within ~~3~~10 calendar days of the first notification date of violations.

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



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

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

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

11 Appeals of the Decision resulting from the Building Official's Review shall be made to the Hearing Examiner
12 within ~~30~~21 calendar days from the date of the Building Official's Decision. The Hearing Examiner, upon
13 receipt of a properly filed appeal, shall set a hearing date, and the appellant shall be notified of the hearing date
14 by first-class mail. Proceedings in regard to appeals filed under this section shall be conducted in accordance
15 with the requirements of Tacoma Municipal Code [Chapter](#) 1.23 and Office of the Hearing Examiner Rules of
16 Procedure for Hearings. The Hearing Examiner shall issue [a](#) Findings of Fact and Order, based on the hearing,
17 in writing, delivered to the appellant by first-class mail.

18 7. Buildings Declared ~~Derelict or Substandard~~ or [Derelict](#). When a building or structure, or any aspect of a
19 building or structure, is [Substandard or Derelict](#), or ~~Substandard by the definitions set forth in~~
20 ~~Section 2.01.050, Table B, Table C, and Table D of this chapter, those aspects which were declared Derelict~~
21 ~~and Substandard~~ it shall be repaired to the minimum building requirements set forth in Section 2.01.070, and
22 the minimum standards of repair set forth in Section 2.01.080 of this chapter, ~~as directed by the Building~~
23 ~~Official.~~

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

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

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

G. Dangerous Buildings or Structures Procedures.

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

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

Buildings, which are posted, shall not be occupied for any purpose until repaired to eliminate the violations
listed in the Notice of Violation, to the satisfaction of the Building Official. In addition, the building shall only
be authorized to be entered for preparing a ~~time schedule and a repair plan~~ [and schedule](#) to be submitted to the
[Neighborhood and Community Services](#) Department of ~~Public Works~~ for approval. Upon approval of the ~~time~~
~~schedule and repair plan~~ [and schedule](#), the owner or his or her representatives will be authorized to enter the



building to effect repairs. No other entry or occupancy of the building shall be permitted until the repairs are completed and approved by the Building Official.

1 3. Owner Notification. The owner shall be notified that the building, structure, or property has been found to
2 be in violation of this chapter and is dangerous. The owner ~~shall~~ may be given 10 calendar days from the date
3 of the notice to secure the building, in accordance with Section 2.01.090, Unoccupied or Vacant Building
4 Standards. The notice shall include the standards for securing a vacant building. The owner shall be given
5 ~~30-21~~ calendar days from the date of the notice to respond to the Building Official to negotiate a repair plan of
6 action and schedule.

7 4. EXCEPTION: Where there is an imminent danger to life or property, the building can be secured by the
8 order of the Building Official, Police Chief, Fire Chief, or Director of the Tacoma-Pierce County Health
9 Department, and the cost assessed to the owner in accordance with the provisions of RCW 35.80.030(1)(h).

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

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

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

17 Once acceptable construction plans, specifications, and calculations for the repair or demolition of the building
18 or structure have been submitted to the City and have been approved for permit, the permit shall be obtained
19 within 147 calendar days of notification that the permit is ready. ~~The work authorized by the permit shall~~
20 ~~proceed according to the schedule jointly agreed upon by the owner and the City. Such schedule shall comply~~
21 ~~with the Building Code provisions governing the expiration of permits.~~

22 5. EXCEPTIONS:

23 a. The Building Official may agree for sufficient reason to accept an alternate time schedule for the repair or
24 demolition of the building.

25 b. The Building Official may grant extensions to the time schedule for sufficient reasons, on written request.
26 Such requests must be filed with the Building Official prior to the deadlines set for the completion of the
construction.

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

5 a. There is no response from the owner to the notification.

6 b. ~~The response to the notification by the owner is negative.~~

7 eb. An agreement by the owner and the City cannot be reached in respect to the extent of the repairs of the
8 building or the time schedule for the repair or demolition of the building.

9 ec. The owner defaults on the time schedule for obtaining the necessary permits and beginning construction or
10 demolition.

11 ed. The owner, once having started construction or demolition, does not ~~substantially~~ adhere to the agreed-
12 upon schedule, or abandons the construction or demolition.

13 Once the building, structure, and property violations have been corrected to the satisfaction of the Building
14 Official, the case shall be closed and, if appropriate, a final report relative to the action placed in the City's
15 files, and any ~~Certificates of Complaint, Dangerous Building Complaints, or Findings of Fact and Orders,~~ or
16 general tax liens filed with the Pierce County Auditor against the title of the property shall be removed by the



City on payment of any assessed penalties and any costs incurred by the City for securing the property or processing the Dangerous Building Action.

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

a. Name of the owner ~~or~~ and other interested persons, as provided herein above.

b. Street address and legal description of the property on which said building is located.

c. General description of type of building, wall, or structure deemed ~~unsafe or substandard~~ dangerous.

d. A complete itemized statement or list of particulars which caused the building, wall, or structure to be a
Dangerous Building, as defined in Section 2.01.050, and Table E, Dangerous Buildings or Structures.

e. ~~Whether or not~~ That said building should be vacated by its occupants, ~~and the date of such vacation.~~

f. Whether or not the statement or list of particulars, as provided for in Subsection 7.d above, can be removed
or repaired.

g. Whether or not the building constitutes a fire ~~menace~~ hazard.

h. Whether it is reasonable to repair the building or whether the building should be demolished.

i. If the building is a City landmark or is within a Historic Special Review or Conservation ~~on the Historic
Landmark Registry or is in a Historic District~~, the complaint shall provide the procedural requirements of the
Landmark Preservation Commission for repair or demolition.

j. A notice that a hearing shall be held before the Hearing Officer ~~in the City Council Chambers in the Tacoma
Municipal Building~~, not less than 10 days nor more than 30 days after the servicing mailing of such complaint on
all interested parties, as recorded by the Pierce County Auditor, and posting, and that all parties in interest shall
be given the right to file an answer to the complaint, to appear in person or otherwise, and to give testimony at
the time of the hearing.

k. That a copy of such complaint shall also be filed with the Pierce County Auditor, which filing shall have the
same force and effect as other lis pendens notices provided by law. ~~The filing of a complaint is the same as
filing a Certificate of Complaint.~~

8. Hearing Procedures.

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

1. Hearing Officer calls the hearing to order.

2. Introductions of the Hearing Officer, plaintiffs, defendants, and other parties of interest.



3. City Attorney presents the City's case.

4. Defendant presents his or her case.

5. City provides rebuttal.

6. Defendant provides rebuttal.

7. Hearing Officer presents final comments and adjourns hearing.

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

1. Name of owner or other interested parties, as listed by the Pierce County Auditor.

2. Street address and legal description of the property on which the building is located.

3. General description of type of building, wall, or structure deemed dangerous or substandard.

4. A complete itemized statement or list of particulars which caused the building, wall, or structure to be a Dangerous Building, as defined in Section 2.01.050 and Table E, Dangerous Buildings or Structures.

5. Whether or not the building is vacant, and the date of such vacation, if known.

6. Whether or not the statement or list of particulars, as provided for in paragraph 4.d above, can be removed or repaired.

7. Whether or not the building constitutes a fire ~~menace~~ hazard.

8. Whether it is reasonable to repair the building or structure or whether the building or structure should be demolished.

7. A statement that the City of Tacoma has incurred costs in processing the Dangerous Building Abatement action and that, pursuant to RCW 35.80.030(1)(h), all costs incurred by the City for this purpose, including demolition, if necessary, shall be assessed against the property and shall be collected thereafter by the County Treasurer as a part of the general taxes.

9. Whether the building is a City landmark or is within a Historic Special Review or Conservation District ~~on the Historic Register or within a Historically Designated Area~~, and the procedures required by the ~~Historic~~ Landmarks Preservation Commission.

The Order shall provide specific instructions on whether the building or structure is to be demolished or repaired, and a time frame for doing so. In the event the building is a City landmark or is within a Historic Special Review or Conservation District ~~on the Historic Register or is within a Historically Designated Area~~, the time schedule shall include as much as possible take into account ~~Landmark Preservation Commission~~ procedures defined in Chapter 13.05.045 of the Tacoma Municipal Code, unless an emergency condition has been declared by the Building Official. ~~In the event the building is to be repaired, specific direction shall be provided as to the extent of repairs necessary to remove the violations listed against the building or structure.~~ In addition, a building, structure, or property that is declared dangerous shall may be required to ~~comply with~~ the requirements set forth in Subsection 13.2, Buildings Declared Dangerous. There may be reason to negotiate repairs due to the historic significance of the property.

EXCEPTION:

If a building is a City landmark or located within a Historic Special Review or Conservation District, or is determined to be a historic resource by the Landmarks Preservation Commission or Historic Preservation Office, the repair requirements may be waived by the Building Official.

9. A requirement that the property shall be nuisance free at all times.

10. ~~Appeals to the Board of Building Appeals. The Findings of Fact and Order shall also state that appeal of the Findings of Fact and Order issued by the Hearing Officer shall be made to the Board of Building Appeals, as established and governed by Chapter 2.17 of the Tacoma Municipal Code. Appeals shall be filed within 30 calendar days of receipt of the Findings of Fact and Order.~~



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

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

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

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

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

- 21 a. Demolished, or
- 22 b. Those aspects which were declared dangerous in the hearing shall be repaired to the minimum building
23 requirements set forth in Section 2.01.070 of this chapter, as directed by the Hearing Officer, and the following
24 items shall be complied with whether or not they are addressed in the Dangerous Building Complaint:
 - 25 1. Exiting facilities, including doors, corridors, stairs, exit enclosures, and smoke-proof enclosures, shall be
26 brought into full compliance with the Building Code. Stairways with risers not exceeding 7-1/2 inches in
height, and treads not less than 10 inches in depth, which are in good condition and otherwise meet the
Building Code's requirements, do not have to be rebuilt.
 2. The fire resistance of all building elements, in regard to the required type of construction, shall be brought
into full compliance with the Building Code; provided that, in buildings which have full sprinkler systems, the
outside fire-resistive membrane on exterior walls may not be required.
 3. If required by the Building Code, automatic fire sprinkler systems shall be installed.
 4. If required by the Building Code or by the Fire Code, as adopted and amended by the City of Tacoma, fire
alarm systems shall be installed and shall meet all requirements of the Building Code and the Fire Code, as
adopted by the City of Tacoma.
 5. The building shall be brought into structural compliance with the Building Code, except that the building
shall be considered as complying with the seismic structural requirements if it can withstand the forces
specified by the Uniform Code for Building Conservation IEBC, as adopted and amended in the Building Code
in Chapter 2.02 of the Tacoma Municipal Code.
 6. The building shall be brought into compliance with provisions of the building code related to
accessibility Washington State Barrier Free Code for new construction.
 7. The building shall be brought into compliance with the Washington State Energy Code.

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



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

7 12. Appeals to the Board of Building Appeals. The Findings of Fact and Order shall also state that appeal of
 8 the Findings of Fact and Order issued by the Hearing Officer shall be made to the Board of Building Appeals,
 9 as established and governed by Chapter 2.17 of the Tacoma Municipal Code. Appeals shall be filed within
 10 30 calendar days from the date of the Findings of Fact and Order. Any appeal of the Findings and Order shall
 11 be governed by Chapter 2.17 of the Tacoma Municipal Code.

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

14 H. Recovery of Costs and Expenses. The costs incurred by the City, relating to the enforcement of
 15 Sections 2.01.060.E and G, may be recovered against the owner of the property as authorized in
 16 RCW 35.80.030(1)(h) and shall become due no later than 30 calendar days from the date of the invoice. “Costs”
 17 include, but are not limited to, personnel costs, both direct and indirect, including attorney’s fees; costs to
 18 secure the building; costs incurred in documenting the violations; hauling, storage and disposal expenses; filing
 19 fees and actual expenses in costs of the City in preparing notices, specifications, and contracts in accomplishing
 20 and/or contracting and inspecting the work; the costs of any required printing or mailing; and any and all costs
 21 of collection.

22 ~~H~~I. Posting of Buildings.

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

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

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

~~H~~J. Utility Restraints.

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

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



JK. Emergency Cases.

1 Where, in the opinion of the Building Official, it appears there is an imminent danger to the life or safety of
2 any person occupying or being admitted to a building or structure, the Building Official shall cause the
3 immediate vacation of the building, in whole or in part, as is necessary, to mitigate the danger to life. The
4 Building Official shall also order the barricading of public ~~sidewalks, streets, or alleys~~ rights-of-way as
5 necessary to protect the public, and shall secure the building from unauthorized entry, and cause the immediate
6 bracing or repair of the building as necessary to protect the public, or, if that is not possible, to have the
7 building or structure demolished. For buildings that are City landmarks, located within a Historic Special
Review or Conservation District, or are identified as "historic resources," the Historic Preservation Officer, at
the direction of the Building Official, shall actively pursue feasible intermediate alternatives to total demolition
within the timeframe determined by the Building Official that will remediate emergency condition and/or
retain the building or its historic features. If an alternative to demolition is identified, then it may be pursued as
the preferred action. The costs of such emergency vacation, bracing, repair, or demolition of such building or
structure shall be assessed to the owner in accordance with the provisions of RCW-35.80.030(h)(1).

KL. Permits.

8 No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or
9 demolish any building or structure, or cause or permit the same to be done, without first obtaining all permits
10 required by the Tacoma Municipal Code and the laws of the State of Washington. The owner or their agent is
required to obtain all permits, as required by the codes, prior to the work being performed. The time frame of
the permits may be conditioned in accordance with the time frames agreed upon in the negotiated repair
schedule.

L. Duties of the City Attorney.

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

- 13 1. Prosecute all persons failing to comply with the terms of the notices provided for and/or the order provided
for in Section 2.01.060.
- 14 2. Represent the City of Tacoma at hearings before the Hearing Examiner in regard to appeals filed relative to
15 decisions issued by the Building Official pertaining to Substandard Buildings.
- 16 3. Represent the City of Tacoma at hearings before the Hearing Examiner in regard to appeals filed to the
17 Finding of Fact and Order issued by the Building Official pertaining to Derelict Buildings.
- 18 4. Represent the City of Tacoma at hearings before the Board of Building Appeals in regard to appeals filed to
the Finding of Fact and Order issued by the Building Official pertaining to Dangerous Buildings.
- 19 5. Represent the City of Tacoma at hearings before superior court in regard to appeals filed to the Finding of
20 Fact and Order issued by the Hearing Examiner pertaining to Substandard Buildings.
- 21 6. Represent the City of Tacoma at hearings before superior court in regard to appeals filed to the Finding of
22 Fact and Order issued by the Hearing Examiner pertaining to Derelict Buildings.
- 23 7. Represent the City of Tacoma at hearings before superior court in regard to appeals filed to the Finding of
Fact and Order issued by the Building Official, based on the recommendation of the Board of Building
Appeals pertaining to Dangerous Buildings.
- 24 8. Bring suit to collect costs incurred by the City of Tacoma in repairing or causing to be vacated or
demolished the Dangerous Buildings.

M. Severability.

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

26 **N. Repeat Offenders.** A repeat offender is defined as a property owner who has a confirmed non-compliance
history, including any identical or similar violations of this chapter at the same site or on a different tax parcel



under the same ownership, two (2) times within a twelve (12) month period. If an owner is found to be a repeat offender, he or she may be subject to an inspection fee equivalent to a reinspection fee as defined in Chapter 2.09 of the Tacoma Municipal Code. Owners may appeal a reinspection fee pursuant to Section 2.01.060.F.5 of the Tacoma Municipal Code.

TABLES:

TABLE A POINT LIMITS	
Number of Points	Abatement Category/Process
24 or Less	Standard Property
25 to 49	Non-standard property warning
50 or More	Substandard Property

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

EXTERIOR BUILDING VIOLATIONS		
Item No	Violation	Maximum Points
11	Accessory Structure Needs to be Repaired or Demolished	25
12	Accessory Structures Need Painting	5
13	Chimney(s) Needs to be Repaired or Removed	15
14	Roofing Needs Repair	10
15	Roofing Needs Replacing	15
16	Gutters Need to be Repaired or Replaced	5
17	Exterior Walls Need to be Repaired	15
18	Exterior Walls Need Siding Repaired	10
19	Foundations Need Repair	10
20	Foundations Need Replacing	15
21	Porch, Deck, or Balcony Needs to be Repaired, Replaced or Removed	15
22	Porch, Deck, or Balcony Needs Guardrail	15
23	Porch, Deck, or Balcony Needs Guardrail Repaired/Replaced	10
24	Overhangs or Cornices Need Repairing or Replacing	15
25	Window Glass Needs Replacement	10
26	Window Frames Need Repair or Replacement	15
27	Exterior Doors and/or Door Framework Needs to be Repaired or Replaced	10
28	Peeling or absence of paint or weather protection on exterior walls, decks, stairs, porches, and other exterior surfaces	5



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29	Improper Use of Recreational Vehicles	50
30	Improper placement or use of cargo containers	50
31	Use of Semi-Trailers for storage	50
<u>32</u>	<u>Exterior unpermitted or non-compliant work</u>	<u>50</u>
INTERIOR VIOLATIONS		
Item No.	Violation	Maximum Points
33	Inadequate Number of Electrical Convenience Outlets	10
34	Electrical Convenience Outlets or Switches do not have Device Plates	5
35	Improper water closets, lavatories, bathtubs, showers, or other plumbing fixtures	15
36	Insufficient number of water closets, lavatories, bathtubs, showers or other plumbing fixtures as required by the size or occupant load of the occupancy	10
37	All lavatories, sinks, bathtubs or similar fixtures where the spigot outlet is below the level of the basin rim, and any other fixtures where cross-connection or back-siphonage is possible	25
38	Substandard Kitchen	15
39	Substandard Laundry	15
39	Plumbing piping or fixtures of non-approved materials	10
41	Leaking Plumbing Piping (Supply and/or Waste)	15
42	Sagging or Improperly Supported Piping	5
43	Clogged or Inoperative Plumbing Piping	15
44	Appliances, including solid-fuel-burning appliances, which have been installed without proper clearances to combustible materials	25
45	Unlisted appliances which have been illegally installed	25
46	Improper Gas Piping	15
47	Missing Temperature/Pressure Relief Valve on Water Heater	25
48	Inadequate, <u>inoperable</u> , or deteriorated heating, or -mechanical, <u>or elevator</u> equipment	25 <u>50</u>
49	Inadequate Supply of Combustion Air for Fuel Fired Equipment	15
49	<u>Window Locks Missing or Inoperative</u>	15
51	Door Locks Missing, Inoperative, or Illegal	15
52	Interior Doors Need Repair	5
53	Weather Stripping of Doors and/or Windows Missing or Needs Repair	5
54	Deteriorated brick, concrete, or stone masonry, or detached veneer	15
55	Deteriorated wood building materials due to inadequate wood to earth clearance	10
56	Deteriorated or crumbling plaster or gypsum board	10
57	Flaking, scaling, or peeling of wallpaper, paint, or other interior wall coverings	10
58	Infestations of Vermin (See Definitions)	25
59	No Windows or Inadequate Window Area to Provide Natural Light	15
59	<u>Inadequate or no ventilation (either natural or mechanical ventilation)</u>	15
61	Room and space dimensions less than required by this chapter	15
62	Dampness, mold and/or mildew within the building	10
63	Lack of or inadequate garbage and rubbish storage and disposal	10
64	Exit Signs are not Provided With Two Sources of Power	25
65	Exit Path Lighting is not Provided With Two Sources of Power	25
66	Exit Stairs have Incorrect Rise and Run	25
67	Access to Electrical Panels is Inadequate	15
68	Floor Surfacing Needs Repair	25



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698	Floor Framing Needs Repair	25
6970	Wall Surfacing Needs Repair	15
710	Wall Framing Needs Repair	15
724	Ceiling Surfacing Needs Repair	15
732	Ceiling and/or Roof Framing Needs Repair	15
743	Overcrowding: Any building or portion thereof, where the exiting is insufficient in number, width, or access for the occupant load served, or where the number of occupants in sleeping rooms exceeds the number permitted by the area of the sleeping room	25
75	<u>Interior unpermitted or non-compliant work</u>	<u>50</u>

UNOCCUPIED OR VACANT BUILDING STANDARDS VIOLATIONS		
Item No.	Violation	Maximum Points
764	Exterior Openings are not properly secured in accordance with Section 2.01.090	50
775	Weather protection is not adequate to prevent deterioration of the building	50
786	There is debris within the building or on the premises, which creates a fire-hazard or a nuisance	50
797	Fire alarms or Fire Sprinkler Systems are inoperable	50
7880	Adequate heat is not provided to protect the sprinkler system from freezing	50
7981	Sewer lines are not capped	50
820	The owner does not inspect the property and keep the property from looking uncared for	50
83	<u>The owner does not repair door(s), window(s), exterior wall(s), or other areas of the building which have been damaged, thereby exposing the building to unauthorized third-party entry or inclement weather</u>	<u>50</u>

TABLE C FIRE AND LIFE SAFETY HAZARDS		
Item No.	Violation	Maximum Points
1	Exit Doors Have Improper Hardware	15
2	Required Corridors Are Not of One-Hour Construction	50
3	Corridor Doors Are Not Properly Rated (or Equivalent)	50
4	Corridor Doors Don't Have Closers	50
5	Corridor Doors Have Improper Hold Open Devices	25
6	Corridor Doors Don't Have Gasketing	25
7	Corridor Door Frames Need to be Repaired or Replaced	50
8	Transoms Above Corridor Doors are not Sealed or Fire-Rated	50
9	Exit Paths Are Not Properly Illuminated	50
10	Required Exit Signs are Missing	50
11	Required Exit Signs are not Illuminated	50
12	Exit Stairs Need to be Repaired or Replaced	50
13	Exit Stairs Need to be Provided With Handrails/Guardrails, or Handrails/Guardrails Need Repair or Replacement	50
14	Exit Stairs Are Missing or Have Improper Landings	50
15	Stair Width is Too Narrow	25
16	Stairs Need to be Enclosed in a Fire Rated Shaft	50
17	Stair Enclosures are not of the Proper Fire Rating	50
18	Doors to Stair Enclosure are Missing or are Blocked Open	50



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19	Doors to Stair Enclosures Do Not Meet Required Fire Assembly Requirements Fire Assembly Needs Replacement or Repair	50
20	Exit Windows From Sleeping Rooms not Provided	50
21	Exit Windows From Sleeping Room Too Small in Area or Dimension	50
22	Exit Windows From Sleeping Room Have Too High a Sill Height	50
23	Improper or Hazardous Wiring	50
24	Missing or Inoperative Unit Smoke Detectors or Carbon Monoxide Alarms	50
25	Missing or Inoperative Fire Extinguishers	50
26	Improper Storage, Building Clutter, or other Fire Hazards	25
27	Required Fire Sprinkler System or Fire Alarm System are Inoperative or Missi	50
28	Fire Resistive Occupancy Separation or Area Separation Walls need to be repaired or replaced	25
29	Fire resistive construction needs repair or replacement	25
30	Lack of, inoperable, or inadequate fire alarm system	50

TABLE D	
DERELICT BUILDINGS OR STRUCTURES	
Item No.	Violation
1	Interior Environment Violations , which shall include, but not be limited to, the following, if required specifically by the occupancy classification for the use of the building: a. Lack of, or inadequate ventilation. b. Infestation by insects, vermin, or rodents.
2	Structural Hazards , Structural hazards which constitute a danger to life and limb, but are of limited extent, and are repairable. These shall include, but not be limited to, the following: a. Cracked or crumbling concrete or masonry foundation walls, footings, or posts, or deteriorated or rotting wood foundations or wood posts. b. Flooring or floor supports which are defective, deteriorated, or of insufficient size to carry imposed loads with safety. c. Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective materials or deterioration, or are of insufficient size to carry imposed loads with safety. d. Members or supports of ceilings and roofs, or other horizontal members which sag, split, or buckle due to defective material or deterioration, or are of insufficient size to carry imposed loads with safety. e. Fireplaces or chimneys which list, bulge, or settle due to defective materials or deterioration, or are of insufficient size or strength to carry imposed loads with safety. f. Exterior cantilever walls or parapets, appendages attached to or supported on the exterior of a building located adjacent to a public way or other space used by pedestrians which are not constructed, anchored, and braced to be able to withstand earthquake forces. g. Exterior walls located adjacent to a public way or other space used by pedestrians, which are not constructed, anchored, and braced to be able to withstand earthquake forces.
3	Hazardous or inadequate wiring which presents an immediate danger to life or limb: a. Wiring which is inadequately sized for the presently imposed electrical loads. b. Wiring where, due to improper ground, lack of insulation, or other conditions, short circuits can occur. c. Damaged, missing, or insufficient electrical convenience outlets, electrical components, or equipment.



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4	<p>Hazardous or inadequate plumbing which present a hazard to health, or do not provide minimum acceptable amenities for occupancy:</p> <ul style="list-style-type: none">a. Lack of, or inoperable water closets, lavatories, bathtubs, showers, or other plumbing fixtures as required for the occupancy.b. Lack of hot and/or cold running water to plumbing fixtures.c. Lack of, or inadequate water heating facilities.d. Plumbing piping and fixtures improperly installed.e. Plumbing piping and connections which leak, are plugged, or otherwise are inoperative.f. Plumbing fixtures which are not properly connected to the waste and vent system, or which are cracked, inoperative, or leak.g. Lack of or inadequate sewage disposal/or connection of plumbing fixtures thereto.
5	<p>Hazardous mechanical equipment which present a hazard to health, life, or limb, or do not provide minimum acceptable amenities for occupancy:</p> <ul style="list-style-type: none">a. Lack of or inadequate heating facilities.b. Mechanical equipment with undersized vents or chimneys.c. Fuel-fired equipment with insufficient combustion air.d. Mechanical equipment which, because of lack of maintenance or improper installation, constitutes a fire hazard.
6	<p>Faulty Weather Protection: Indications of which shall include, but not be limited to, the following:</p> <ul style="list-style-type: none">a. Holes, including broken windows or doors; breaks; cracked, loose, or rotted boards or timbers; and any other conditions in exterior walls and weather-exposed exterior surfaces or attachments which might admit rain or dampness to the interior portions of the walls or occupied spaces of the building.b. Deteriorated or missing roof covering material and flashing.c. Standing water in crawl spaces or basements.d. Deteriorated or rotted stairs, porches, balconies, or decks.
7	<p>Fire Hazard: Any conditions which, in the opinion of the Fire Chief, constitute a distinct hazard to life or property.</p>
8	<p>Faulty Materials or Construction: Faulty materials are defined as all materials not specifically allowed or approved by the Building Code in effect at the time of construction, or this chapter. Faulty materials also include approved materials which are used improperly. Faulty Construction is defined as materials assembled using improper or substandard workmanship.</p>
9	<p>Hazardous or Unsanitary Premises: Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or condition which constitute fire, health, or safety hazards.</p>
10	<p>Inadequate Exits: All buildings or portions thereof not provided with exit facilities as required by the Building Code, except those buildings or portions thereof whose exit facilities are safe and conformed with all applicable laws at the time of their construction.</p>
11	<p>Inadequate Fire-Protection or Fire-Fighting Equipment: All buildings or portions thereof which are not provided with fire-resistive construction, fire extinguishing systems, or smoke detection equipment as required by the Tacoma Municipal Code.</p>
12	<p>Improper Occupancy: Buildings or portions thereof, where the use or character of its occupancy has changed from the original approved design or intended use, without a recorded action reviewed by the Building Official.</p>



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TABLE E DANGEROUS BUILDINGS OR STRUCTURES	
Item No.	Violation
1	Whenever any door, aisle, passageway, stairway, or other means of exit is not of sufficient width or size, or is not arranged as to provide safe and adequate means of exit in case of fire or panic.
2	Whenever the walking surface of any aisle, passageway, stairway, or other means of exit is racked, warped, buckled, settled, worn, loose, torn, or otherwise is in such condition as to not provide safe and adequate means of exit in case of fire or panic.
3	Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code in effect at the time the building was constructed.
4	Whenever any portion, member, or appurtenance thereof is likely to fail, become detached, dislodged, or collapse and thereby injure persons or damage property.
5	Whenever any portion of a building, any member, appurtenance, or ornamentation on the exterior thereof has deteriorated, or been damaged so as to be no longer capable of withstanding wind pressures or seismic forces specified in the Building Code in effect at the time the building was constructed.
6	Whenever any portion thereof has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
7	Whenever the building or structure, or any portion thereof, is likely to partially or completely collapse because of: (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) deterioration, decay, or inadequacy of its foundation; or (v) any other cause.
8	Whenever, for any reason, the building or structure, or any portion thereof, is unsafe for the purpose for which it is being used.
9	Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
10	Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of a supporting member or members, or 50 percent damage or deterioration of non-supporting members, including wall coverings.
11	Whenever the building or structure has been so damaged by fire, wind, earthquake, flood, or other causes, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for transients or vandals; or (iii) a place for performing criminal or unlawful activities.
12	Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or this chapter, or of any law or ordinance of this state or jurisdiction relating to the condition, location, or structure of buildings.
13	Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member, or portion less than 50 percent [or in any supporting part, member, or portion less than 66 percent] of the (i) strength; (ii) fire-resisting qualities or characteristics; or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.



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14	Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction, or arrangement, inadequate light, air, or sanitation facilities, or otherwise, is determined to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.
15	Whenever any building or structure, because of dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined to be a fire hazard.
16	Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
17	Derelict Buildings where Alternate Procedures have been undertaken pursuant to the provisions of Section 2.01.060.D.8.b.

2.01.070 Minimum building requirements.

No owner shall maintain, or permit to be maintained, any property which does not comply with the requirements of this chapter. All property shall be maintained to the Building Code requirements in effect at the time of construction. Alterations or repairs shall meet the minimum standards in this section and the repair standards set forth in Section 2.01.080, Repair Standards.

A. Display of Address Number.

Address numbers posted shall be the same as the number assigned by the City of Tacoma Building and Land Use Services Division. All buildings shall have address numbers posted in a conspicuous place on contrasting background so they may be read from the street or public way. Tenant spaces in buildings shall be clearly numbered or lettered, in a logical and consistent manner.

B. Foundations.

Building foundation systems shall adequately support the building. Those parts of the system constructed of wood shall be free from deterioration or dry rot. Concrete and masonry elements shall be integral without substantial fracturing or cracks.

Exterior walls shall be supported on a continuous concrete or masonry foundation, or an engineer-designed foundation system, which accounts for both vertical and lateral (earthquake and wind) loads, shall be provided. In absence of a continuous masonry or concrete foundation, an approved skirting system shall be provided to prevent the entrance of rodents and other animals to the crawl space or under-floor area of the building.

The building shall be anchored to the foundation system in an approved manner.

Under-floor areas shall be ventilated by an approved mechanical means or by openings in the exterior foundation walls to provide natural ventilation.

C. Floors.

Floors shall be even, without breaks or holes, and constructed of materials of adequate strength to support the dead loads of the floor materials and the live loads required by the Building Code in effect at the time the building was built. Floors shall be reasonably level and free from deterioration and dry rot.

D. Exterior Walls.

Exterior walls and exposed exterior surfaces shall be structurally sound, and shall form a weather-tight barrier to the outside elements. Exterior walls shall be free from deterioration and dry rot.

Exterior walls shall comply with the Building Code in effect at the time the building was built for fire resistance, parapets, and opening protection.



E. Windows and Glazing.

1 Windows and glazing shall be in good condition and maintain a weather barrier against the elements. All
2 glazing shall be uncracked and unbroken. Operable windows shall be able to operate in the manner in which
3 they were designed, and shall not be painted closed or otherwise bind in a manner rendering them inoperable.
4 Sash weights and cords shall be intact and in good condition if needed for the operation of the windows.
5 Frames and sashes shall be free of deteriorated or rotted materials.

F. Roofs.

6 Roof structures shall be structurally sound and free of deteriorated or rotted materials. Roofing shall be
7 weather tight and provide protection to the interior of the building from outside elements. Roof drainage shall
8 be directed to approved locations. Roofs shall be maintained in good repair.

9 Roof systems shall be provided with adequate ventilation to prevent deterioration.

10 An attic where the ceiling or roof is constructed of combustible materials and which has a vertical height of
11 30 inches or more shall be provided with an access opening as required by the Building Code in effect at the
12 time the building was built. If one does not exist, then provide an attic access opening to current code.

G. Exterior Stairs, Ramps, Porches, and Decks.

13 Every exterior stair, ramp, porch, deck, or other exterior appurtenances, including guardrails and handrails,
14 shall be constructed of materials of sufficient strength to perform the function for which it is designed and to
15 carry the live and dead loads prescribed by the Building Code in effect at the time the building was built. All
16 material shall be kept in sound condition and good repair. Replacement of materials shall be made as necessary
17 of flooring treads, risers, stringers, decking, and other materials that show excessive wear and/or are broken,
18 warped, loose, or deteriorated. Weather-exposed surfaces shall be protected in an approved manner.

H. Exits.

19 All buildings shall be provided with exits in accordance with the Building Code.

20 Exception: Exiting systems which met the Building Code at the time that the building or structure was
21 constructed, which have been maintained in good condition and do not pose a danger to life, in the opinion of
22 the Building Official, may be accepted as an alternative to the Building Code.

23 Exits shall terminate at a public street or shall terminate to a place of refuge which is sufficiently large enough
24 to receive all the occupants in the structure, and which is no less than 60 feet from the building or structure.

I. Doors, Latches, and Locks.

25 ~~All exit doors shall comply with the Building Code in effect at the time the building was built for width and
26 height.~~ The width and height for all exit doors shall comply with the Building Code in effect at the time the
27 building was originally constructed, and shall be openable from the ~~inside~~ interior without a key or special
28 knowledge. All doors serving an occupant load of 50 or more shall swing in the direction of egress.

29 Doors serving an occupant load of less than ten, as calculated by the Building Code, may have dead bolts,
30 provided ~~they are provided with~~ a thumb operator, knob, or equivalent is installed on the ~~inside~~ interior side of
31 the door. Dead bolts which require keys to be operated from the ~~inside~~ interior are not permitted.

32 Doors serving occupancies classified as Group A (Assembly), Group E (Educational or Day Care), Group H
33 (Hazardous), and Group I (Institutional) shall be provided with panic hardware when serving occupant loads of
34 50 or more as calculated by the Building Code, or when otherwise required by the Building Code.

J. Corridors.

35 Corridors shall be constructed in accordance with the provisions of the Building Code in effect at the time the
36 building was ~~built~~ constructed. Corridors shall terminate at doors to the exterior of the building or to doors
37 leading to stair enclosures or to doors passing through horizontal exits, as defined by the Building Code. Exits
38 from corridors shall not pass through intervening rooms except for lobbies and waiting areas constructed to
39 corridor standards as defined by the Building Code in effect at the time the building was ~~built~~ constructed.



K. Stairways and Stair Enclosures.

1 Stairs shall be constructed as required by the Building Code in effect at the time the building was constructed.
2 Stairs shall be enclosed when required by the Building Code in effect at the time the stair enclosure was
3 ~~built~~constructed.

4 Exceptions:

5 1. Stairways constructed prior to July 1, 1988, which serve occupant loads of ten or more, but which have
6 risers in excess of 7 inches but not exceeding 7.5 inches, and/or have treads with a depth less than 11 inches
7 but not less than 10 inches measured from tread nose to tread nose.

8 2. Buildings and structures which have fire escapes which have been maintained and tested in accordance with
9 the Building Code and the Fire Code. See Subsection Q, Fire Escapes, of this chapter.

10 L. Ramps.

11 Ramps shall be constructed as required by the Building Code.

12 Exception: Existing ramps which do not exceed a slope of one vertical to eight horizontal (12.5 percent) and
13 which conformed to the Building Code in effect at the time the building or structure was constructed may be
14 used for exiting purposes, provided there are landings at the top and the bottom of the ramp which have lengths
15 equal to the width of the ramp, or 36 inches, whichever is greater. The length of such landings do not need to
16 exceed 44 inches.

17 M. Guardrails.

18 Unenclosed floor and roof openings, open and glazed sides of stairways, landings and ramps, balconies or
19 porches, which are more than 30 inches above grade or floor below, and roofs used for other than service of
20 the building shall be protected by a guardrail.

21 Exception: Guardrails need not be provided at the following locations:

22 1. On the loading side of loading docks.

23 2. On the auditorium side of a stage, raised platforms, and other raised floor areas, such as runways, ramps,
24 and side stages used for entertainment or presentation; along the side of an elevated walking surface, when
25 used for the normal functioning of special lighting or for access and use of other special equipment; at vertical
26 openings in the performance area of stages.

3. Along vehicle service pits not accessible to the public.

Height. The top of guardrails shall meet the requirements of Building Code in effect at the time the guardrail
was built, but need not exceed 42 inches in height.

Exceptions:

1. The top of guardrails for Group R, Division 3 and Group U, Division 1 Occupancies, and interior guardrails
within individual dwelling units, Group R, Division 3 congregate ~~residences~~living facilities and guest rooms of
Group R, Division I Occupancies, do not need to exceed 36 inches in height.

2. The top of guardrails on a balcony immediately in front of the first row of fixed seats and which are not at
the end of an aisle may be 26 inches in height.

3. The top of guardrails for stairways, exclusive of their landings, may have a height as specified in the
Stairway Handrails section of this chapter.

Openings. Open guardrails shall have intermediate rails or an ornamental pattern ~~such~~ that complies with the
Building Code in effect at the time the guardrail was built. If the guardrail is new or needs to be reconstructed,
the intermediate rails or ornamental pattern shall comply with the presently adopted Building Code. If the
existing guardrail does not have intermediate rails or an ornamental pattern, intermediate rails or an ornamental
pattern shall be provided which complies with the presently adopted Building Code.



N. Stairway Handrails.

1 Stairways shall have handrails on each side, and every stairway required to be more than 88 inches in width
2 shall be provided with not less than one intermediate handrail for each 88 inches of required width.
Intermediate handrails shall be spaced approximately equally across with the entire width of the stairway.

3 Exceptions:

4 1. Stairways less than 44 inches in width or stairways serving one individual dwelling unit in Group R,
Division 1 or Division 3 Occupancies, or a Group R, Division 3 congregate residence living facilities, may
5 have one handrail.

6 2. Private stairways 30 inches or less in height may have handrails on one side only.

7 3. Stairways having less than four risers and serving one individual dwelling unit in Group R, Division 1 or
8 Division 3, or a Group R, Division 3 congregate residence living facilities, or serving Group U Occupancies,
9 need not have handrails.

10 The top of handrails and handrail extensions shall meet the requirements of the Building Code in effect at the
11 time the stairway was built, but in no case shall be less than 30 inches nor more than 38 inches above the
12 nosing of treads and landings. Handrails shall be continuous the full length of the stairs. Handrail ends shall be
13 returned or shall terminate in newel posts or safety terminals.

14 The handgrip portion of handrails shall meet the requirements of the Building Code in effect at the time the
15 stairway was built. The handgrip portion of handrails shall have a smooth surface with no sharp corners.

16 Handrails projecting from a wall shall have a space of not less than 1-1/2 inches between the wall and the
17 handrail.

18 Handrails used to protect the open side of stairways or landings shall be provided with intermediate rails or an
19 ornamental pattern, when the drop from the stairs or landing is 30 inches or more to the ground or surface
20 below. The intermediate rails or patterns shall be as required by the Building Code under which it was
21 constructed. If such handrail is new or being replaced, it shall meet the requirements of the presently adopted
22 Building Code. If such handrail is existing, but is not provided with intermediate rails or ornamental pattern,
23 intermediate rails or an ornamental pattern shall be provided to comply with the presently adopted Building
24 Code.

25 O. Exit Path Lighting.

26 General. Except within individual dwelling units, guest rooms, and sleeping rooms, exits shall be illuminated
at any time the building is occupied, with light having intensity of not less than 1.0 foot-candle at floor level.

Exception: In auditoriums, theaters, concert or opera halls, and similar assembly uses, the illumination at floor
level may be reduced during performances to not less than 0.2 foot-candle.

Sources of Power. The power supply for exit illumination shall normally be provided by the premises' wiring
system. Emergency backup power or power on separate circuits shall be in accordance with the Building Code
in effect at the time the lighting was installed.

P. Exit Signs.

Where Required. When two or more exits from a story are required, exit signs shall be installed at stair
enclosure doors, horizontal exits, and other required exits from the story. When two or more exits are required
from a room or area, exit signs shall be installed at the required exits from the room or area and where
otherwise necessary to clearly indicate the direction and path of egress.

Exceptions:

1. Main exterior exit doors, which obviously and clearly are identifiable as exits, need not be signed when
approved by the Building Official.

2. Group R, Division 3, and individual units of Group R, Division 1 Occupancies.



3. Exits from rooms or areas with an occupant load of less than 50 when located within a Group I, Division 1.1, 1.2, or 2 Occupancy, or a Group E, Division 3 day-care occupancy.

1 Graphics. The color and design of lettering, arrows, and other symbols on exit signs shall be in high contrast
2 with their background. Words on the signs shall be in block letters 6 inches in height with a stroke of not less
3 than 3/4 inch, or in accordance with the Building Code in effect at the time the original signs were installed.

3 Illumination. Signs shall be internally or externally illuminated in accordance with the Building Code in effect
4 at the time the exit signs were installed.

4 Power Supply. Current supply to one of the lamps for exit signs shall be provided by the premises' wiring
5 system. Power to the other lamp shall be from storage batteries or an on-site generator set, and the system shall
6 be installed in accordance with the Electrical Code or in accordance with the Building Code in effect at the
7 time the exit signs were installed.

7 Q. Fire Escapes.

7 New fire escapes shall not be permitted to be installed. Existing fire escapes complying with this section may
8 be accepted by the Building Official as one of the required exits. The fire escape shall not be the primary or the
9 only exit. Fire escapes shall not take the place of stairways required by the codes under which the building was
10 constructed. Fire escapes shall be subject to re-inspection as required by the Building Official. The Building
11 Official shall require documentation to show compliance with the requirements of this section.

10 Fire escapes shall comply with the following:

11 1. Access from the corridor shall not be through an intervening room.

12 Exception: Access through an intervening room may be permitted if the intervening door is not lockable and
13 an exit sign is installed above the door which will direct occupants to the fire escape. Such intervening rooms
14 shall not be storage rooms, mechanical equipment rooms, kitchens, or similar spaces, and shall be common to
15 the building in general and not part of a tenant space.

14 2. All openings in an exterior wall below or within 10 feet, measured horizontally, of an existing fire escape
15 serving a building over two stories in height, shall be protected by a self-closing fire assembly having a three-
16 fourths-hour fire protection rating. When located within a recess or vestibule, adjacent enclosure walls shall be
17 of not less than one-hour fire-resistive construction.

16 3. Egress from the building shall be by an opening having a minimum clear width and height of not less than
17 29 inches. Such openings shall be openable from the ~~inside~~ interior without the use of a key or special
18 knowledge or effort. The sill of an opening giving access to the fire escape shall ~~be not more than~~ exceed
19 30 inches above the floor of the building or balcony. The top of the frame of the opening giving access to the
20 fire escape shall be ~~not less than~~ a minimum of 59 inches above the floor.

19 4. Fire escape stairways and their balconies shall support their dead load plus a live load of not less than
20 100 pounds per square foot or a concentrated load of 300 pounds placed anywhere on the balcony or stairway
21 so as to produce the maximum stress conditions. The stairway shall have a slope not to exceed 60 degrees from
22 the horizontal and shall have a minimum width of 18 inches. The stairway shall be provided with a top and
23 intermediate railing on each side. Treads shall not be less than 4 inches in width, and the rise between treads
24 shall not exceed 10 inches. All stairway and balcony railings shall support a horizontally applied force of not
25 less than 50 pounds per lineal foot of railing or a concentrated load of 200 pounds placed anywhere on the
26 railing so as to produce the maximum stress conditions.

23 5. Fire escape balconies shall not be less than 44 inches in width with no floor openings greater than 5/8 inch
24 in width except the stairway opening. Stairway openings in such balconies shall not be less than 22 inches by
25 44 inches. The guardrail of each balcony shall not be less than 36 inches high with not more than 9 inches
26 between intermediate rails.

25 6. Fire escapes shall extend to the roof or provide an approved gooseneck ladder between the top floor landing
26 and roof when serving buildings four or more stories in height having roofs with a slope not exceeding 4 in 12.
Such ladders shall be designed and connected to the building to withstand a horizontal force of 100 pounds per



lineal foot; each rung shall support a concentrated load of 500 pounds placed anywhere on the rung so as to produce the maximum stress conditions. All ladders shall be at least 15 inches in clear width, be located within 12 inches of the building, and shall be placed flat wise relative to the face of the building. Ladder rungs shall be 3/4 inch in diameter and shall be located 10 inches to 12 inches on center. Openings for roof access ladders through cornices and similar projections shall have minimum dimensions of 30 inches by 33 inches.

7. The lowest balcony shall not be more than 18 feet from the ground. Fire escapes shall extend to the ground or be provided with counter-balanced stairs reaching the ground.

8. Fire escapes shall be kept clear and unobstructed at all times and shall be maintained in good working order. Fire escape stairways, balconies, railings, and ladders shall be visually inspected annually and shall be subjected to a stress test every five years in accordance with the provisions of Chapter 3.02 of the Tacoma Municipal Code. Fire escapes failing the stress test shall be repaired or removed from the building, as directed by the Fire Chief. If the fire escape is removed from the building, it shall be replaced with stairways meeting all requirements for stairways in new construction.

9. The fire escape shall have clearance from electrical service conductors as required by the Electrical Code.

R. Exits for Sleeping Rooms.

All sleeping rooms below the fourth story in buildings shall be provided with two exits. One of the exits may be a window opening onto a public way or into a court or yard which provides access to a public way. Such exit window shall provide a net openable area of 5.7 square feet with a minimum clear width of 20 inches and a minimum clear height of 24 inches, and a maximum sill height of 44 inches measured from the floor of the sleeping room.

Exceptions:

1. In buildings constructed prior to May 26, 1981, existing window with a net openable area of 5 square feet, a minimum clear width of 22 inches, a minimum clear height of 22 inches, and a maximum sill height of 48 inches measured from the floor of the sleeping room, shall be deemed to meet the exit window requirement. Where the window frame is to be replaced, this exception shall not apply, except as necessary to fit within the rough framed opening, in which case the opening dimensions shall be maximized. (Note: If a new opening needs to be created or an existing opening needs to be enlarged to provide an exit window from a sleeping room, this exception shall not apply.)

2. Where the sill height exceeds the maximum specified, including when Exception 1 applies, a landing with a minimum depth of 24 inches and width equal to the width of the window and frame, but not less than 36 inches, may be provided directly below the exit window within the sleeping room, provided: stairs shall be provided to the landing if its height exceeds 12 inches above the sleeping room floor, and that the landing and stairs do not decrease the minimum required dimensions of the sleeping room below those required by this chapter and the Building Code.

3. The size of egress windows below the fourth floor opening onto a court yard may be modified by the Building Official or the Fire Chief.

Escape and rescue windows with a finished sill height below the adjacent ground elevation shall have a window well. Window wells at escape or rescue windows shall comply with the following:

1. The clear horizontal dimensions shall allow the window to be fully opened and provide a minimum accessible net clear opening of 9 square feet, with a minimum dimension of 36 inches.

2. Window wells with a vertical depth of more than 44 inches shall be equipped with an approved permanently affixed ladder or stairs that are accessible with the window in the fully open position. The ladder or stairs shall not encroach into the required dimensions of the window well by more than 6 inches.

Bars, grilles, grates, or similar devices may be installed on emergency escape or rescue windows, doors, or window wells, provided:

1. The devices are equipped with approved release mechanisms which are openable from the ~~inside~~ interior without the use of a key or special knowledge or effort; and



2. The building is equipped with smoke detectors installed in accordance with the Building Code.

S. Minimum Room Dimensions for Residential Buildings.

1. Ceiling heights. Habitable space shall have a ceiling height of not less than 7 feet, ~~6 inches, except as otherwise permitted in this section. Kitchens, halls, bathrooms, and toilet compartments may have a ceiling height of not less than 7 feet measured to the lowest projection from the ceiling.~~ Where exposed beam ceiling members are spaced at less than 48 inches on center, ceiling height shall be measured to the bottom of these members. Where exposed beam ceiling members are spaced at 48 inches or more on center, ceiling height shall be measured to the bottom of the deck supported by these members, provided that the bottoms of the members are not less than 7 feet above the floor.

If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof. No portion of the room measuring less than 5 feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.

If any room has a furred ceiling, the prescribed ceiling height is required in two-thirds the area thereof, but in no case shall the height of the furred ceiling be less than 7 feet.

Exception: The Building Official may permit lower ceiling heights where existing conditions make the strict compliance with this section impractical.

2. Floor area. Dwelling units and congregate residences shall have at least one room which shall have not less than 120 square feet of floor area. Other habitable rooms, except kitchens, shall have an area of not less than 70 square feet. Sleeping rooms shall be increased in floor area by a minimum of 50 square-feet for each occupant in excess of two. Efficiency dwelling units shall comply with the requirements of Subsection T.

3. Width. Habitable rooms, other than a kitchen, shall not be less than 7 feet in any dimension.

T. Efficiency Dwelling Units.

An efficiency dwelling unit shall conform to the requirements of the Building Code in effect at the time the building was constructed, except as herein provided:

1. The unit shall have a living room of not less than 220 square feet of superficial floor area. An additional 100 square feet of superficial floor area shall be provided for each occupant of such unit in excess of two.

2. The unit shall be provided with a separate closet.

3. The unit shall be provided with a kitchen sink, cooking appliance, and refrigeration facilities, each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to this chapter shall be provided.

4. The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.

U. Residential Dwelling or Dwelling Unit Room Arrangement.

Rooms in dwellings and dwelling units containing two or more sleeping rooms shall be arranged in such a manner that bathroom or water closet compartment access is provided without traveling through a sleeping room.

Exception: Where each bedroom has its own bathroom facilities.

Rooms in dwellings or dwelling units shall be so arranged that access to all sleeping rooms can be made directly without traveling through other sleeping rooms, bathrooms, or water closet compartments.

Dwellings and dwelling units shall be self-contained, with access to all portions being possible without leaving the dwelling or dwelling unit.

V. Overcrowding, Residential Buildings.

For single family dwellings, ~~and duplexes,~~ and multi-family dwellings with three or more units, the maximum number of residents of each dwelling unit shall not exceed the gross area divided by ~~3200,~~ rounded to the



1 nearest whole number. Bedrooms will accommodate two persons with a minimum size of 70 square feet, with
2 no dimension being less than 7 feet. An additional 50 square feet shall be provided for each person in excess of
3 two.

4 ~~For multiple family dwellings buildings with three or more units, the maximum number of residents of each
5 dwelling unit shall not exceed the gross area divided by 200, rounded to the nearest whole number. Bedrooms
6 will accommodate two persons with a minimum size of 70 square feet, with no dimension being less than
7 7 feet. An additional 50 square feet shall be provided for each person in excess of two.~~

8 Children less than one year of age shall not be considered in applying the above provisions.

9 W. Smoke Detectors and Fire Alarm Systems.

10 1. Smoke detectors.

11 a. General. Dwelling units, congregate residences, and hotel or lodging house guest rooms that are used for
12 sleeping purposes shall be provided with smoke detectors. Detectors shall be installed in accordance with the
13 approved manufacturer's instructions.

14 b. Additions, alterations, or repairs to Group R Occupancies. When the valuation of an addition, alteration, or
15 repair to a Group R Occupancy exceeds \$1,000.00 and a permit is required, or when one or more sleeping
16 rooms are added or created in existing Group R Occupancies, smoke detectors shall be installed in accordance
17 with the [current](#) Building Code.

18 Exception: Repairs to the exterior surfaces of a Group R Occupancy are exempt from the requirements of this
19 section.

20 c. Power source. In new construction, required smoke detectors shall receive their primary power from the
21 building wiring when such wiring is served from a commercial source, and shall be equipped with a battery
22 backup. The detector shall emit a signal when the batteries are low. Wiring shall be permanent and without a
23 disconnecting switch other than those required for over-current protection. Smoke detectors may be solely
24 battery operated when installed in existing buildings; or in buildings without commercial power; or in
25 buildings which undergo alterations, repairs or additions regulated by the Building Code.

26 d. Location within dwelling units. In dwelling units, a detector shall be installed in each sleeping room and at a
point centrally located in the corridor or area giving access to each separate sleeping area. When the dwelling
unit has more than one story, and in dwellings with basements, a detector shall be installed on each story and
in the basement. In dwelling units where a story or basement is split into two or more levels, the smoke
detector shall be installed on the upper level, except that when the lower level contains a sleeping area, a
detector shall be installed on each level. When sleeping rooms are on an upper level, the detector shall be
placed at the ceiling of the upper level in close proximity to the stairway. In dwelling units where the ceiling
height of a room open to the hallway serving the bedrooms exceeds that of the hallway by 24 inches or more,
smoke detectors shall be installed in the hallway and in the adjacent room. Detectors shall sound an alarm
audible in all sleeping areas of the dwelling unit in which they are located.

e. Location in efficiency dwelling units, congregate residences and hotels. In efficiency dwelling units, hotel
suites, and in hotel and congregate residence sleeping rooms, detectors shall be located on the ceiling or wall
of the main room or each sleeping room. When sleeping rooms within an efficiency dwelling unit or hotel suite
are on an upper level, the detector shall be placed at the ceiling of the upper level in close proximity to the
stairway. When actuated, the detector shall sound an alarm audible within the sleeping area of the dwelling
unit or congregate residence, hotel suite, or sleeping room in which it is located.

[f. Carbon Monoxide Alarms shall be installed in existing apartments, condominiums, hotels, motels, and
certain single-family residences by January 1, 2013, in accordance with state law and adopted codes.](#)

2. Fire Alarm Systems.

a. [Certain](#) Group R, Division 1 Occupancies shall be provided with an approved manual and automatic fire
alarm systems, [which include Group R-2](#) in apartment houses three or more stories in height or
containing 16 or more dwelling units; [and](#) in [Group R-1](#) hotels three or more stories in height or containing



20 or more guest rooms, and in congregate residences three or more stories in height or having an occupant load of 20 or more. A fire alarm and communication system shall be provided in Group R, ~~Division 1~~ Occupancies located in a high-rise building.

Exceptions:

1. A manual fire alarm system need not be provided in buildings not over two stories in height when all individual dwelling units and contiguous attic and crawl spaces are separated from each other and public or common areas by at least one-hour fire-resistive occupancy separations and each individual dwelling unit or guest room has an exit directly to a public way, exit court, or yard.

2. A separate fire alarm system need not be provided in buildings which are protected throughout by an approved supervised fire sprinkler system having a local alarm to notify all occupants. The alarm signal shall be a distinctive sound which is not used for any other purpose other than the fire alarm. Alarm-signaling devices shall produce a sound that exceeds the prevailing equivalent sound level in the room or space by 15 decibels minimum, or exceeds any maximum sound level with a duration of 30 seconds minimum by 5 decibels minimum, whichever is louder. ~~Sound levels for alarm signals shall be 120 decibels maximum. The~~ minimum sound pressure levels shall be 75 decibels in Group R Occupancies. Sound levels for all alarm signals shall not exceed a maximum of 110 decibels.

For the purposes of this section, area separation walls shall not define separate buildings.

b. Occupancies Other Than Group R. Fire alarm systems shall be provided in all other buildings other than Group R occupancies in accordance with any currently adopted requirement to do so or the provisions of the Building Code and Fire Code in effect at the time the building was constructed, or when last substantially renovated, remodeled, extended, or altered.

X. Kitchen Facilities.

Each dwelling unit shall be provided with a kitchen. The kitchen area shall contain:

1. A sink with hot and cold running water.
2. Space for a stove, ~~or~~ hot plate, or microwave.
3. Space for a refrigerator.
4. Adequate counter space for food preparation and dish washing.
5. Adequate storage space for kitchen utensils and food.
6. Adequate floor space.

Kitchens shall be provided with light and ventilation meeting the minimum standards set forth in this chapter.

Communal kitchens shall be permitted only in rooming house or boarding homes. Such communal kitchens shall be located within a room accessible to the occupants of each guest room sharing the use of the kitchen without going outside the rooming house or boarding home, or going through a unit of another occupant.

Commercial kitchens shall comply with the Mechanical Code in effect at the time the kitchen was constructed, and the requirements of the Tacoma-Pierce County Health Department. Commercial kitchens shall be provided with grease hoods and grease traps or interceptors when determined necessary.

Y. Laundry Facilities.

All residential buildings shall provide facilities for the washing of clothes in accordance with the provisions of the codes in force at the time the building was constructed. In an apartment house, where laundry facilities are not provided for each unit, means such as laundry trays or washing machines shall be provided elsewhere on site and shall be available to tenants.

Z. Electrical System and Lighting.



1 All occupied buildings shall be connected to an approved source of electrical power. An approved source of electrical power shall be Electrical Utilities authorized to furnish electrical power within the limits of the City of Tacoma.

2 All electrical equipment, components, and wiring shall be installed and maintained in a safe manner in accordance with applicable codes. All electrical equipment shall be listed by an approved testing and/or listing agency. All damaged or missing electrical components or equipment shall be replaced, repaired, or removed as appropriate.

4 The electrical system shall be safe and not be a shock or fire hazard to the occupants of the building. Services shall be adequately sized and provided with fuses, breakers, and other appropriate safety equipment. Wiring shall be maintained in a safe condition.

6 Exit facilities and other hallways and stairs shall be provided with supplied and operable lighting capable of providing a minimum of one foot-candle lighting intensity at floor level. Emergency power shall be provided if required by the code under which the building was constructed.

8 Every habitable room shall contain at least two supplied and operable electrical convenience outlets, or one supplied electric convenience outlet and one supplied and operable light fixture.

9 Every kitchen, furnace room, and laundry room shall contain at least one supplied electric convenience outlet and one supplied and operable light fixture.

10 Every bathroom, rest room, and toilet compartment shall contain at least one supplied and operable electric light fixture. In addition, every room containing lavatories shall be provided with at least one convenience outlet.

12 AA. Heating, ~~and Mechanical~~, and Elevator Equipment.

13 Heating equipment shall be provided to heat every dwelling and guest room, and shall have the capacity to heat all habitable rooms to 70 degrees Fahrenheit with an ambient outside temperature of 20 degrees Fahrenheit. Such equipment shall be in compliance with the Mechanical Code ~~and~~ or the Building Code in effect at the time of installation. Solid-fuel-burning appliances and portable heating devices shall not be used to provide the primary heat for the dwelling or guest rooms.

15 Elevators shall be maintained in compliance with the code at the time of installation and the manufacturer's specifications.

17 BB. Water Heating Equipment.

18 Every dwelling or dwelling unit shall have water heating equipment which is properly installed and maintained in safe and good working condition. Such equipment shall be provided with piping to distribute the hot water to all locations required by the Building, Plumbing, and Mechanical Codes and this chapter. Water heating equipment shall be capable of heating water to 120 degrees Fahrenheit in quantities to permit a reasonable amount of hot water to be drawn at every required kitchen sink, lavatory, bathtub, or shower on demand. Hot water heating equipment shall have its thermostat set no lower than 120 degrees Fahrenheit, and shall be provided with all safety equipment prescribed by the Plumbing and Mechanical Codes. Water-heating equipment required by this section shall be independent of the building heating system.

22 CC. Light and Ventilation.

23 1. Lighting. All occupied portions of buildings shall be provided with natural or artificial light.

24 All habitable rooms in residential dwelling buildings or dwelling units shall be provided with natural light.

25 Natural light shall be provided for each room by windows and/or skylights which combine to have a minimum area of one-tenth (1/10) of the floor area of the room or combination of rooms being considered.

26 Artificial light shall be provided with electrical fixtures wired to house power provided by a supply utility which provide a minimum light intensity of 1.0 foot-candle at floor level. Existing lighting which met the Building Code in effect at the time the building was constructed, has been maintained in safe condition, and



which provides the minimum 1.0 foot-candle at floor level is deemed as meeting this section. New lighting shall be required to meet the Washington State Energy Code.

1 Adjacent rooms may be considered as one room, provided that the opening in the wall between the two rooms
2 provide a minimum clear opening of one-tenth (1/10) of the floor area of the interior room, 25 square feet, or
3 one-half of the area of the wall between the rooms, whichever is greater.

4 2. Ventilation. All occupied portions of buildings shall be provided with natural or mechanical ventilation.

5 Natural ventilation shall be by means of openable windows, doors, skylights, or other approved openings to the
6 exterior of the building. Natural ventilation shall be provided at a rate of one-twentieth (1/20) of the floor area
7 of the space or combination of spaces being considered.

8 Existing mechanical ventilation meeting the requirements of the Building and Mechanical Codes in effect at
9 the time the building was constructed shall be considered satisfactory. New or revised mechanical ventilation
10 shall meet the requirements of the Washington State Ventilation and Indoor Air Quality Code.

11 DD. Solid-Fuel-Burning Appliances.

12 ~~Solid-fuel-burning appliances shall be listed by an approved testing and/or listing agency, and shall be installed
13 in accordance with their listings for clearances, chimneys, and floor protection.~~

14 ~~Exception: Unlisted solid fuel burning appliance installations which existed prior to 1977, and which are in
15 good condition, may remain, provided:~~

16 ~~1. The clearances to combustible materials are in accordance with Tables 3 A and 3 B of the 1994 Uniform
17 Mechanical Code.~~

18 ~~2. The installation meets the requirements of the Building Code in effect at the time of the installation.~~

19 ~~Solid-fuel-burning appliances shall not be used as the primary heating source for dwelling units.~~

20 ~~Exception: Solid-fuel-burning furnaces with an approved ducted heat distribution system, and an automatic
21 fuel delivery system. [A City of Tacoma building permit is required for the installation of a solid-fuel-burning
22 device.](#)~~

23 [Solid-fuel-burning appliances shall be listed by an approved testing agency and shall be installed in accordance
24 with their listing and with the manufacturer's installation instructions, and shall comply with the applicable
25 Washington State Department of Ecology emissions standards and/or the United States Environmental
26 Protection Agency emission standards for air quality.](#)

[The appliance shall be vented in accordance with the International Mechanical Code, International Building
Code, or the International Residential Code. Masonry chimneys must be lined. Factory-built chimneys shall be
listed by an approved testing agency and shall be installed in accordance with their listing.](#)

[The installation of a used appliance is prohibited, except for engineered installations with prior approval by the
Building official or other authorities having jurisdiction.](#)

EE. Chimneys.

Every smoke pipe and every chimney shall remain adequately supported and free from obstructions and shall
be maintained in a condition which ensures there will be no leakage or back-up of noxious gases. Every
chimney shall be reasonably plumb. Loose bricks or blocks shall be rebonded. Loose or missing mortar shall
be replaced. Unused openings into the interior of the structure must be permanently sealed using approved
materials. Chimneys used for approved gas appliances shall be lined with approved materials.

Masonry chimneys supported on chimney brackets ("shelf chimneys") shall be removed, or the chimney shall
be modified to provide an approved support system.

FF. Plumbing.

Supply, waste, and vent plumbing piping shall be in good condition and free from leaks. Waste piping shall be
adequately sized to safely convey waste water to the City Sewer or to other approved plumbing waste disposal



1 systems. Vent piping shall be adequately sized and configured to prevent siphoning of plumbing fixture traps.
2 All plumbing fixtures shall be in good condition, free from cracks and leaks, and shall be properly connected
3 to the waste and vent system of the building.

4 GG. Number of Plumbing Fixtures.

5 Dwelling Units: Every dwelling unit shall be provided with a kitchen sink, a water closet, a lavatory (bathroom
6 sink), and either a bathtub or a shower.

7 Lodging Houses: Lodging Houses shall be provided with a minimum of a kitchen sink, a water closet, a
8 lavatory (bathroom sink), and a bathtub or a shower, provided that, where the bathtub or shower is provided in
9 the same room as a water closet and lavatory, that there shall be an additional water closet and lavatory in the
10 building in a different location.

11 Apartment Houses, Hotels, and Motels: Each apartment house dwelling unit, hotel unit, or motel unit shall be
12 provided with a water closet, a lavatory (bathroom sink), and a bathtub or a shower.

13 Exception: Apartment houses, hotels, and motels existing prior to January 1, 1961, which contain communal
14 toilet and bathing facilities rather than facilities for each unit, may continue operation without requiring
15 modification, provided:

- 16 1. There are separate toilet and bathing facilities for each sex.
- 17 2. Toilet and bathing facilities shall be separate from each other or of adequate size to permit simultaneous use.
- 18 3. The men's toilet facilities shall contain:

19 Water Closets: One for every ten guest rooms, or fraction thereof, but not less than one.

20 Urinals: One for every 25 guest rooms, or fraction thereof, but not less than one.

21 Lavatories: One for every 12 guest rooms, or fraction thereof, but not less than one.

- 22 4. The women's toilet facilities shall contain:

23 Water Closets: One for every eight guest rooms, or fraction thereof, but not less than one.

24 Lavatories: One for every 12 guest rooms, or fraction thereof, but not less than one.

- 25 5. The bathing facilities for each sex shall contain:

26 One shower and bathtub combination and, in addition, shall provide one additional shower for every eight
27 guest rooms over eight.

28 Dormitories: Dormitories shall provide toilet facilities in accordance with the exception listed for Hotels and
29 Motels.

30 Commercial and Industrial Buildings: Commercial and Industrial Buildings shall be provided with toilet
31 facilities for each sex. Each toilet facility shall be provided with a minimum of one water closet and one
32 lavatory. In addition, each men's toilet facility shall also be provided with a urinal where there are more than
33 four persons using the facility.

34 Exceptions:

- 35 1. Commercial and Industrial buildings may provide a single toilet facility with a lockable door where four or
36 less persons are employed.
- 37 2. Restaurants with seating for 24 or less patrons may provide a single toilet facility with a lockable door.

38 The number of fixtures provided in each of the toilet facilities for commercial and industrial buildings shall
39 meet the requirements set forth in the Building Code.

40 Exception: Toilet facilities which provided adequate fixtures in accordance with the Plumbing Code in effect
41 when the building was constructed.



HH. Sanitation.

1 1. Floors. In other than dwelling units, toilet room floors shall have a smooth, hard, nonabsorbent surface, such
2 as Portland cement, concrete, ceramic tile, or other approved material which extends upward onto the walls at
3 least 5 inches.

4 2. Walls. Walls within 2 feet of the front and sides of urinals and water closets shall have a smooth, hard,
5 nonabsorbent surface of Portland cement, concrete, ceramic tile, or other smooth, hard, nonabsorbent surface
6 to a height of 4 feet, and except for structural elements, the materials used in such walls shall be of a type
7 which is not adversely affected by moisture.

8 Exceptions:

9 1. Dwelling units and guest rooms.

10 2. Toilet rooms which are not accessible to the public and which have not more than one water closet.

11 3. Hardware. In all occupancies, accessories such as grab bars, towel bars, paper dispensers, and soap dishes,
12 provided on or within walls, shall be installed and sealed to protect structural elements from moisture.

13 4. Bathtub and Shower. Bathtub and shower enclosures in all occupancies shall be finished as specified in
14 items 1 and 2 above, to a height of not less than 70 inches above the drain inlet. Materials other than structural
15 elements used in such walls shall be of a type which is not adversely affected by moisture.

16 5. Water Closet Room Separation. A room in which a water closet is located shall be separated from food
17 preparation or food storage rooms by tight-fitting doors.

18 II. Infestation.

19 Every building shall be kept free from infestations of vermin. Where infestations of vermin are found, they
20 shall be promptly eliminated by extermination. After elimination of infestations, proper precautions shall be
21 taken to prevent reinfestations. (See definition of vermin.)

22 JJ. Accessory Structures.

23 All accessory structures shall be maintained structurally safe and sound and in good repair. All exterior
24 surfaces of accessory structures shall be of a material specifically for use in such a weather-exposed location.
25 Accessory structures shall not be used for the storage of garbage or rubbish unless such garbage or rubbish is
26 placed in an approved container or stored in a manner so as not to constitute a health or safety hazard.

An accessory structure shall contain no habitable space. No person shall occupy or allow another to occupy an
accessory structure for living purposes. Plumbing shall not be permitted in an accessory structure, except as
permitted by the Tacoma Land Use Regulatory Code.

Accessory buildings are not permitted on building lots separate from the main building, except as permitted by
the Tacoma Land Use Regulatory Code. Detached accessory buildings located on a site where the main
building has been removed may remain on the lot for up to a year, without the main building being replaced.

Exception: With the permission of the Building Official, accessory buildings may remain on a building lot
where the main building has been destroyed for longer than one year, for sufficient reasons, presented to the
Building Official in writing.

KK. Accessibility for the Physically Disabled.

All buildings shall be in compliance with the provisions of the ~~Washington State Code for Barrier Free
Design~~ [American National Standards Institute 117.1](#) that were in effect at the time the building was
constructed. Additions, renovations, and/or remodeling of existing buildings shall meet the requirements of the
present ~~Washington State Code for Barrier Free Design~~ [American National Standards Institute 117.1](#) as it
applies to existing buildings and to the specific project.

LL. Exterior Maintenance.



1. Buildings. The exterior of buildings shall be maintained in a manner which appears neat and orderly. Weatherproofing elements, such as roofing and siding, shall be firmly attached and in good condition. Glazing and exterior doors shall be intact and in good repair. Painted surfaces shall be fully covered and all peeling or blisters shall be scraped and repainted.

2. Sidewalks and Paving. The owner shall be responsible for maintaining sidewalks and other paving on the property. Sidewalks and other paving on the property shall provide a reasonably even surface without potential hazards.

3. Exterior Property Areas, Yards, and Courts. The owner shall be responsible for maintaining all exterior property areas, yards, and courts in a reasonably neat, clean, and sanitary condition. Property areas shall be maintained free from any accumulation of garbage, litter, debris, overgrown, or noxious vegetation, or other conditions which constitute a nuisance as defined by Chapter 8.30 of the Tacoma Municipal Code. For the purposes of this section, owners shall be responsible for maintaining the property to the centerline of abutting public streets and alleys, pursuant to Chapter 9.17 of the Tacoma Municipal Code.

MM. Recreational Vehicles or Other Vehicles.

No recreational vehicles, as defined by this chapter, or other vehicles shall be used for the purpose of living, sleeping, cooking, or any similar use while parked on public or private property.

NN. Cargo Containers and Semi-Trailers.

1. Except as permitted by the City of Tacoma Land Use Regulatory Code, cargo containers shall not be permitted to be used as storage buildings.

2. Semi-trailers shall not be used for storage buildings.

2.01.080 Repair standards.

It is recognized that, in order to maintain the properties as required by this chapter, repairs will need to be made. Repairs, renovations, alterations, and additions in general will be required to meet the applicable codes in effect at the time they are undertaken, with the minimum acceptable standard of repair being made to bring the building or element of a building up to at least the minimum standards listed in Section 2.01.070 of this chapter. The following provisions provide guidelines for these repairs, renovations, alterations, and additions which, when undertaken, require meeting a higher standard or repair than just meeting the minimum requirements set forth in Section 2.01.070 of this chapter.

~~In the case of w~~Where there is a change of use or where there is a substantial renovation as defined by the Building Code, all work shall be in accordance with the Building Code and the ~~UCI~~^{UCI}EBC, as adopted and amended by the City of Tacoma in Chapter 2.02 of the Tacoma Municipal Code.

A. Foundations.

When an existing foundation system supporting the exterior walls of a building is a post and beam system, and is found by inspection to be substandard, it shall either be replaced with a continuous concrete or masonry foundation system or shall be analyzed by an engineer as to its structural adequacy to support vertical and lateral loads and shall be modified according to the engineering report to correct deficiencies.

Exception: Skirting and other non-structural material, or occasional deteriorated or damaged structural members, may be replaced with the approval of the Building Official.

The building shall be anchored to the foundation system in an approved manner.

In crawl space construction using combustible materials, a minimum clearance of 18 inches shall be provided between the dirt and the floor joists or flooring, and 12 inches between the dirt and floor beams. The dirt shall be covered by a 6-mil black polyethylene or approved equivalent moisture barrier. When the above under-floor clearances are required, access to the under-floor area shall be provided. Access to under-floor areas shall be provided with a minimum 18-inch by 24-inch opening, unobstructed by pipes, ducts, and similar construction. All under-floor access openings shall be effectively screened or covered. Pipes, ducts, and other construction shall not interfere with the accessibility to or within under-floor areas.



1 Exception: When proper under-floor clearance is not provided under an existing building, the Building Official
2 may permit the required clearance to be provided only where plumbing or other equipment is located, provided
3 there is at least adequate clearance to prevent deterioration of materials or where the wood is pressure treated
4 with approved wood preservatives.

5 Under-floor areas shall be ventilated by an approved mechanical means or by openings in the exterior
6 foundation walls.

7 Mechanical Ventilation: Mechanical ventilation shall meet the Building Code requirements.

8 Natural Ventilation: If the under-floor space is to be provided ventilation by openings in the foundation walls,
9 such openings shall have a net area of not less than 1 square foot for each 150 square feet of under-floor area.
10 Openings shall be located as close to corners as is practical and shall provide cross-ventilation. The required
11 area of such openings shall be approximately equally distributed along the length of at least two opposite sides.
12 They shall be covered with corrosion-resistant wire mesh with 1/4-inch square mesh openings.

13 B. Floors.

14 Floors which are required to be repaired or reconstructed shall, as nearly as possible, follow the requirements
15 of the Building Code for materials, floor loads, support, bracing, sheathing, and nailing. Where it is not
16 practical, in the opinion of the Building Official, to repair or replace a floor to new building code standards,
17 he/she may approve an alternate level of compliance, which is no less than that required by the Building Code
18 in effect at the time the building was built.

19 C. Exterior Walls.

20 Exterior walls and exposed exterior surfaces shall be structurally sound, and shall form a weather tight barrier
21 to the outside elements.

22 Deteriorated or dry rotted elements of exterior walls shall be replaced or repaired. Siding and weather-resistant
23 coatings or coverings shall be maintained in good condition.

24 Exterior walls which are opened for repair shall be insulated as required by the Energy Code.

25 New or rebuilt exterior walls shall comply with the Building Code for fire resistance, parapets, and opening
26 protection.

27 D. Windows and Glazing.

28 Broken glazing (panes of glass) may be replaced with new glazing that matches the broken glass in thickness,
29 thermal performance, fire resistance, and strength, provided that safety glazing shall be used to replace broken
30 glass in all locations where safety glazing is required by the Building Code.

31 All new windows (glazing and frames) shall meet the Building Code for fire protection due to location relative
32 to the property lines, safety glazing where glass is subject to impact as defined in the Building Code, and the
33 thermal requirements of the Energy Code for building envelope and type of heating.

34 Exception: In Group R, Division 3 Occupancies where new windows are provided with no modifications to the
35 existing wall framing, the fire protection rating of the new windows shall be at least equal to the windows
36 being replaced.

37 E. Roofs.

38 Roof structures shall be structurally sound. Roofing shall be weather tight and provide protection to the interior
39 of the building from outside elements. Roof drainage shall be directed to approved locations. Deteriorated or
40 dry-rotted materials shall be replaced or repaired. Roofs shall be maintained in good repair.

41 Where ventilation is being added to roof systems, the aggregate net ventilation area shall be provided at a rate
42 of 1/150 of the ceiling area.

43 Exception: Where the outlet vents are 3 feet or more above the inlet vents, the aggregate net roof ventilation
44 area may be reduced to 1/300 of the ceiling area.



1 The vent area shall be divided evenly between the inlet and outlet vents. Vents shall be so located to provide
2 cross ventilation and to avoid creating unventilated areas. The openings shall be covered with corrosion-
3 resistant metal mesh with mesh openings of 1/4-inch in dimension.

4 Where attic access openings need to be provided, the opening shall be located in a corridor, hallway, or other
5 readily accessible location. Attics with a maximum vertical height of less than 30 inches need not be provided
6 with access openings. The attic access opening shall not be less than 22 inches by 30 inches. Thirty-inch
7 minimum clear headroom in the attic space shall be provided at or above the access opening.

8 F. Doors, Latches, and Locks.

9 All new doors serving an occupant load of ten or more, as calculated by the Building Code, shall have a
10 minimum width of not less than 36 inches and a minimum height of not less than 6 feet 8 inches, and shall be
11 openable from the inside without a key or special knowledge. All doors serving an occupant load of 50 or more
12 shall swing in the direction of egress.

13 Doors serving an occupant load of less than ten, as calculated by the Building Code, may have dead bolts,
14 provided they have a thumb operator, knob, or equivalent on the inside. Dead bolts which require keys to be
15 operated from the inside are not permitted.

16 Doors serving occupancies classified as Group A (Assembly), Group E (Educational or Day Care), Group H,
17 (Hazardous), and Group I (Institutional) shall be provided with panic hardware when serving occupant loads of
18 50 or more, as calculated by the Building Code, or when otherwise required by the Building Code.

19 G. Corridors.

20 New, reconstructed, or remodeled corridors shall be constructed in accordance with the provisions of the
21 Building Code.

22 Exception: Existing duct penetration provided with fire dampers in accordance with the Building Code in
23 effect at the time the building or structure was constructed do not need to be updated to the smoke/fire dampers
24 required by the Building Code.

25 Newly established required corridors shall not have dead ends which exceed 20 feet, and corridors shall
26 terminate at doors to the exterior of the building or to doors leading to stair enclosures or to doors passing
through horizontal exits, as defined by the Building Code. Exits from corridors shall not pass through
intervening rooms, except for lobbies and waiting areas constructed to corridor standards as defined by the
Building Code.

H. Stairways and Stair Enclosures.

New or rebuilt stairs shall be constructed as required by the Building Code. New stairs shall be enclosed, when
required by the Building Code.

I. Guardrails.

New guardrails, and guardrails which need to be replaced, shall meet all the requirements set forth for
guardrails in the Building Code.

J. Stairway Handrails.

Where stairways are missing handrails, handrails shall be provided which meet all the requirements of the
Building Code.

K. Exit Path Lighting.

Exit path shall be illuminated at all times the building or structure is occupied. Exit path lighting shall provide
a minimum illumination at floor level of 1.0 foot-candle. Where exit path lighting in existing buildings is
missing or is required to be upgraded, it shall meet the following requirements:

General. Except within individual dwelling units, guest rooms, and sleeping rooms, exits shall be illuminated
at any time the building is occupied with light having intensity of not less than 1.0 foot-candle at floor level.



Exception: In auditoriums, theaters, concert or opera halls, and similar assembly uses, the illumination at floor level may be reduced during performances to not less than 0.2 foot-candle.

1 Separate Sources of Power. The power supply for exit illumination shall normally be provided by the premises' wiring system. In the event of its failure, illumination shall be automatically provided from an emergency system for Group I, Divisions 1.1 and 1.2 Occupancies, and for all other occupancies where the exiting system serves an occupant load of 100 or more.

2
3
4 Emergency systems shall be supplied from storage batteries or an on-site generator set and the system shall be installed in accordance with the requirements of the Electrical Code.

5 L. Exit Signs.

6 Where exit signs in existing buildings are missing or are required to be upgraded, they shall meet the following requirements:

7 Where Required. When two or more exits from a story are required, exit signs shall be installed at stair enclosure doors, horizontal exits, and other required exits from the story. When two or more exits are required from a room or area, exit signs shall be installed at the required exits from the room or area and where otherwise necessary to clearly indicate the direction and path of egress.

9 Exceptions:

10 1. Main exterior exit doors, which obviously and clearly are identifiable as exits, need not be signed when approved by the Building Official.

11 2. Group R, Division 3, and individual units of Group R, Division 1 Occupancies.

12 3. Exits from rooms or areas with an occupant load of less than 50 when located within a Group I, Divisions 1.1, 1.2, or 2 Occupancy, or a Group E, Division 3 day-care occupancy.

13 Graphics. The color and design of lettering, arrows, and other symbols on exit signs shall be in high contrast with their background. Words on the sign shall be in block letters 6 inches in height with a stroke of not less than 3/4 inch.

14
15 Illumination. Signs shall be internally or externally illuminated by two electric lamps or shall be of an approved self-luminous type. When the luminance on the face of an exit sign is from an external source, it shall have an intensity of not less than 5.0 foot-candles from either lamp. Internally-illuminated signs shall provide equivalent luminance.

16
17 Power Supply. Current supply to one of the lamps for exit signs shall be provided by the premises' wiring system. Power to the other lamp shall be from storage batteries or an on-site generator set, and the system shall be installed in accordance with the Electrical Code.

18
19 (Note: Refer to Building Code for high-rise buildings and for amusement structures.)

20 **2.01.090 Unoccupied, ~~or vacant,~~ or partially secured building standards.**

21 A. Intent.

22 It is the intent of this section that buildings which are unoccupied, ~~or vacant,~~ or partially secured, but are occupied, shall present a neat and orderly appearance, and, as much as possible, will appear occupied or ready for occupancy. If a building is to remain unoccupied or vacant for a period of time, it shall meet the following standards:

23 1. All exterior openings shall be properly secured as outlined in Subsection C below, Standards for Securing Buildings. Openings shall be secured by the normal building amenities, including, but not limited to, doors, shutters, grills, and window glazing, which can be considered appropriate for securing an occupied building. If it becomes necessary to temporarily secure openings by covering them with structural paneling, the use of the paneling shall be limited to a maximum of 30 calendar days. Where it becomes impractical to secure buildings using the normal security measures, the Building Official may permit the use of medium density overlay or other approved materials, installed in the window frames and painted with a glossy paint of such color to



simulate glazing. In such case, the paneling or other approved materials shall blend with the exterior finish of the building, to provide the building with a neat and tended appearance.

2. The building shall be properly weather-protected to prevent deterioration of the exterior and interior of the building. This weather protection shall be approved by the City and shall include the roof and wall assemblies.

3. All miscellaneous debris which constitutes a fire hazard shall be removed from the building and property, and the property shall be left in such condition as to not be in violation of the City of Tacoma's Nuisance Ordinance, Chapter 8.30 of the Tacoma Municipal Code. The property shall remain nuisance free at all times.

4. All buildings which have automatic fire sprinklers systems and/or fire alarm systems shall have such systems maintained in operable condition at all times.

5. Adequate heat shall be maintained within an unoccupied or vacant building to prevent plumbing and automatic fire sprinkler systems from freezing, or alternatively the plumbing, automatic fire sprinkler systems, or any other element in the building sensitive to freezing may be winterized in an approved manner.

6. All sewer lines shall be capped. (When approved by Planning and Development Services, this may be accomplished by providing an approved plug at the fixtures within the building.)

7. The owner shall inspect the property periodically to assure that the property remains in compliance with this chapter. In the event that the unoccupied building does not conform to this standard, the Building Official may order the owner to inspect the property, according to a specific schedule, and to provide written reports that the inspections have been performed and that the property is in compliance with these standards.

B. Procedures for Securing Buildings.

1. Vacant Buildings.

Once a building is determined to be vacant and is open to unauthorized third-party entry, the Building Official shall make reasonable effort to contact the owner to have the building secured. If the owner cannot be contacted with reasonable effort, the City of Tacoma shall secure the building. If such building is presenting an immediate danger to the health, safety, and welfare of the public, or is requested to be immediately secured by the Building Official, the City of Tacoma Police Department, the City of Tacoma Fire Department and/or the Tacoma-Pierce County Health Department, the Building Official shall immediately cause the building to be secured. In the event that the City of Tacoma secures the building, all costs incurred shall be assessed to the owner of the property.

2. Occupied Buildings.

If a building is occupied and determined by the City of Tacoma to be in violation of this chapter and presents an immediate danger to the health, safety, and welfare of the occupants or the public, the building shall be ordered vacated by the Building Official, and the Building Official shall cause the building to be immediately secured from unauthorized third-party entry. In the event that the City of Tacoma secures the building, all costs incurred shall be assessed to the owner of the property.

3. Occupied Buildings which have been secured due to vandalism or other hazards.

Occupied buildings that have been secured due to vandalism or other hazards may remain secured for a period of 21 calendar days while the owner obtains estimates for the repair of the damaged door(s), window(s), exterior wall(s), or other areas of the building which have been damaged due to hazards beyond the control of the owner. It shall be a violation of Section 2.01.090 of the Tacoma Municipal Code if the owner has not made repairs within 30 calendar days from the date of the Notice of Violation or negotiated a repair schedule.

C. Standards for Securing Buildings.

To secure a building, all doors, window openings, or other openings on floors accessible from grade shall be closed and locked, or shuttered to prevent third-party entry, to the satisfaction of the Building Official.

2.01.100 Residential Building Rental Registration Program. Repealed by Ord. 27154.



EXHIBIT "B"

Chapter 2.17

BOARD OF BUILDING APPEALS

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Sections:

- 2.17.010 Board of Building Appeals.
- 2.17.020 Duties and authority of Board of Building Appeals.
- 2.17.030 Hearings – Procedures – Appeals.
- 2.17.040 Board member liability.

* * *

2.17.030 Hearings – Procedures – Appeals.

A. An aggrieved party in interest may appeal to the Board, an interpretation, or a decision and order of the Director of Planning and Development Services, or his duly authorized representative, or of the Chief of the Fire Department, or his duly authorized representative, or the Building Official, or his duly authorized representative, by filing a notice of appeal with the City Clerk and with the secretary of the Board within 30 calendar days from the date of service of the written interpretation, decision, or order.

B. The appeal shall be in writing and shall clearly and concisely state the basis for such appeal.

C. The Board is authorized to promulgate procedural rules for appeal hearings conducted pursuant to this Chapter.

~~D.~~ The secretary to the Board shall review the requested appeal and make an initial determination whether said appeal is within the authority of the Board. In the event it is determined that an appeal is not within its authority, the aggrieved party shall be notified, in writing, by the secretary of the Board within ten days following such determination.

~~E.~~ The Board shall conduct hearings of all timely appeals, determined to be within the Board’s authority, at a date and time certain after having given the aggrieved party in interest not less than ten days’ notice thereof. At said hearing the Board shall receive evidence as may be presented by any department of the City of Tacoma and by the aggrieved party in interest. Failure of aggrieved party or his representative to appear at the hearing properly noticed may be cause for dismissal of the appeal.

~~F.~~ The Board shall render its interpretation of the code, or its decision, as it pertains to the question before it, and make its recommendation within 60 days from the date of the completion of the hearing. Such recommendation or decision shall be made to the Director of Public Works, or his duly authorized representative, or to the Chief of the Fire Department, or his duly authorized representative. Such recommendation or decision shall include findings of facts based on the evidence presented at the hearing.

~~G.~~ For those appeals of dangerous building orders issued by the Hearing Officer pursuant to TMC 2.01.060, the appeal hearing shall be de novo. The Board shall have the authority to affirm, modify, or reverse the Hearing Officer’s decision.~~In the event the Board determines that an appeal is not within its authority, the aggrieved party shall be notified in writing by the secretary of the Board within ten days following such determination.~~

~~H.~~ The Director of Public Works, or his duly authorized representative, or the Chief of the Fire Department, or his duly authorized representative, may seek the advice of the Board as to their interpretation of any section of a code by filing a request therefore, as described in subsection A, above.

~~I.~~ Appeals of the Board of Building Appeals’ interpretations, decisions, penalties, and/or orders pertaining to appeals filed relative to the codes and laws assigned to the authority of the Board shall be made to the superior court within 21 calendar days, from the date of receipt of the interpretation, decision, penalty, and/or order in conformance with RCW 35.80.030(2).

* * *



ORDINANCE NO. 28150

1 AN ORDINANCE relating to committees, boards, and commissions; amending
2 Section 11.05.260 of the Tacoma Municipal Code to remove reference to
3 the Parking Management Advisory Task Force, to enable implementation of
4 the City's Committees, Boards, and Commissions review recommendations.

5 WHEREAS, in December 2012, the City Council requested a review of the
6 City's Committees, Boards, and Commissions ("CBC") for the purpose of
7 assessing roles and responsibilities, output, connection to policy process, staff
8 resources, and limitations of staff resources for each CBC, and

9 WHEREAS, at the Committee of the Whole meetings of April 2nd and
10 April 16th, City Council members provided input on the CBC review, including a
11 request for creation of a Transportation Commission ("Commission") to advise on
12 transportation-related matters such as short-term and long-range transportation
13 planning; compliance with local, regional, and federal transportation regulations;
14 bike, pedestrian, and mass transit-related planning initiatives; and parking and
15 capital improvement plans, and

16 WHEREAS the Commission will consist of 11 members, nine voting
17 members appointed by the City Council who are City residents, with
18 representatives from each of the City's five Council Districts, who will bring a
19 range of perspectives and expertise that focus on the City's long-term vision for
20 mobility options throughout the City, and two non-voting members appointed by
21 the City Manager, and
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WHEREAS it is recommended that one or more Technical Advisory Groups (“TAGs”) be established to provide specific technical expertise to the Commission on various transportation policy areas, and

WHEREAS the TAGs will report to the Commission and will provide due diligence screening and research of policy recommendations and related requests from the Commission, and

WHEREAS, as vacancies occur, members of the TAGs will be appointed by the Commission, and

WHEREAS it is further recommended that the Commission have the current Parking Management Advisory Task Force serve as the Parking TAG, and the current Bicycle and Pedestrian Action Committee serve as the Bicycle and Pedestrian TAG, and

WHEREAS, because the Parking Management Advisory Task Force was created by Substitute Ordinance No. 27840 and codified in Section 11.05.260 of the Tacoma Municipal Code, this language needs to be repealed so that the task force can be appointed by and report to the Commission, Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:



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Section 1. That Section 11.05.260 of the Tacoma Municipal Code is hereby amended as set forth in the attached Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



EXHIBIT "A"

Chapter 11.05

MODEL TRAFFIC ORDINANCE

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11.05.260 On-street parking regulation. Pay stations; establishing pay station rates, designating revenues; citizen advisory committee.

The City Manager, or his or her designee, shall have the authority to designate zones within the City where on-street parking will be regulated by pay stations and/or time limits. The City Manager, or his or her designee, shall have the authority to establish rates for such pay stations based on market rates. For purposes of this section, "market rates" shall mean the rate at which a 15 percent on-street vacancy rate per nationally recognized standards is achieved. All revenues from pay stations are hereby designated for payment into the Parking Enterprise Fund. ~~The City Manager, or his or her designee, is hereby directed to create a Parking Management Advisory Task Force, which shall assist the City Manager, or his or her designee, with the establishment and management of the herein established on-street parking system. Once created, the Parking Management Advisory Task Force shall report to the Environment and Public Works Committee on its activities and recommendations on an annual basis.~~

* * *



ORDINANCE NO. 28151

1 AN ORDINANCE relating to the Biennial Budget; amending the Biennial Budget of
 2 the City for the fiscal years 2013-2014 to appropriate funds from the
 3 2011-2012 budget to cover current contract obligations, transfers, and other
 budget adjustments.

4 WHEREAS under RCW 35.34.200, this ordinance is necessary to appropriate
 5 funds from the 2011-2012 budget to account for contract obligations, transfers, and
 6 other budget adjustments that were not identifiable in December 2012; Now,
 7 Therefore,

8 BE IT ORDAINED BY THE CITY OF TACOMA:

9 That the Biennial Budget of the City for the fiscal years 2013-2014 (“Biennial
 10 Budget”) is hereby amended by adopting the proposed 2013-2014 biennial
 11 modifications, set out in Exhibit “A” and explained in narrative form in Exhibit “B”
 12 and Exhibit “C,” which exhibits are attached hereto and incorporated as part of this
 13 ordinance; and that the Biennial Budget shall be deemed to be and is hereby
 14 amended to provide for the appropriation and expenditure of said funds.
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 16
 17

18 Passed _____

19 _____
 Mayor

20 Attest:

21 _____
 22 City Clerk

23 Approved as to form:

24 _____
 25 Deputy City Attorney