



Legislation Passed September 17, 2013

The Tacoma City Council, at its regular City Council meeting of September 17, 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. 38729

A resolution appointing Bennish Brown to serve on the Greater Tacoma Regional Convention Center Public Facilities District Board of Directors to fill an unexpired four-year term through October 31, 2016.

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

Resolution No. 38730

A resolution appointing Shalisa Hayes to serve on the City Events and Recognitions Committee for a three-year term to expire July 31, 2016.

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

Resolution No. 38731

A resolution awarding a contract to Motorola Solutions, Inc., in the amount of \$1,457,937.71, plus sales tax, budgeted from the Radio Communications Fund and the CIP LTGO 2010 Bond Fund, for a one-time purchase of TDMA/SmartZone radios and dispatch consoles - Sole Source.

Resolution No. 38732

A resolution awarding a contract to Pierce County Security, Inc., in the amount of \$102,600.00 sales tax not applicable, for a cumulative contract total of \$404,342.50, budgeted from the General Fund, to increase the contract for security guard services for the Tacoma Municipal Building and Tacoma Municipal Building North - Specification No. PW09-0130F.

Resolution No. 38733

A resolution designating the City Charter Review as a special project of limited duration, and designating general salary classifications and benefits for persons employed on the project pursuant to Tacoma Municipal Code 1.12.155 and 1.24.187 and Section 6.1(h) of the Tacoma City Charter.

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

Resolution No. 38734

A resolution relating to the update of the Shoreline Master Program; responding to the Department of Ecology's conditional approval, accepting the majority of the Department's required and recommended changes, and proposing an alternative intent statement for the proposed S-6/7 Transition District.

[Stephen Atkinson, Associate Planner, Planning Division; Peter Huffman, Interim Director, Planning and Development Services]

Ordinance No. 28170

Amending Chapter 2.04 of the Municipal Code, relating to the Electrical Code, to update and clarify electrical licensing requirements and exemptions.

Ordinance No. 28172

Amending Title 8 of the Municipal Code, relating to historic properties, to create a new Chapter 8.35 entitled Preventing Neglect of Historic Properties to provide additional enforcement tools to prevent ongoing neglect of historic properties.



RESOLUTION NO. 38729

1 BY REQUEST OF MAYOR STRICKLAND

2 A RESOLUTION relating to committees, boards, and commissions; appointing
3 Bennish Brown to serve on the Greater Tacoma Regional Convention
4 Center Public Facilities District Board of Directors to fill an unexpired
four-year term through October 31, 2016.

5 WHEREAS the First Amendment to the Interlocal Agreement dated
6 September 2, 2003, referencing the Public Facilities District and signed by the
7 cities of Tacoma, Fife, Lakewood, and University Place and Pierce County, states
8 that the City shall appoint three members to four-year terms, and
9

10 WHEREAS a vacancy has existed on the Greater Tacoma Regional
11 Convention Center Public Facilities District Board of Directors since
12 October 31, 2012, and

13 WHEREAS vacancies on said Board shall be filled by appointment by the
14 Mayor with the consent of the City Council, and

15 WHEREAS Bennish Brown has been nominated to serve on the Greater
16 Tacoma Regional Convention Center Public Facilities District Board of Directors to
17 fill an unexpired four-year term through October 31, 2016; Now, Therefore,

18 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:
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That Bennish Brown is hereby confirmed and appointed to serve on the
Greater Tacoma Regional Convention Center Public Facilities District Board of
Directors to fill an unexpired four-year term through October 31, 2016.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



RESOLUTION NO. 38730

1 BY REQUEST OF DEPUTY MAYOR CAMPBELL AND COUNCIL MEMBERS BOE
AND WALKER

2 A RESOLUTION relating to committees, boards, and commissions; appointing an
3 individual to the City Events and Recognitions Committee.

4 WHEREAS vacancies exist on the City Events and Recognitions Committee,
5 and

6 WHEREAS, at its meeting of September 10, 2013, the Economic
7 Development Committee conducted interviews and recommended the appointment
8 of Shalisa Hayes to said committee, and

9 WHEREAS, pursuant to City Charter 2.4 and the Rules, Regulations, and
10 Procedures of the City Council, Shalisa Hayes has been nominated to serve on the
11 City Events and Recognitions Committee; Now, Therefore,

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

13 That Shalisa Hayes is hereby confirmed and appointed as a member of the
14 City Events and Recognitions Committee, representing Council District No. 4, to
15 serve a three-year term to expire July 31, 2016.

16 Adopted _____

17 _____
18 Mayor

19 Attest: _____

20 _____
21 City Clerk

22 Approved as to form: _____

23 _____
24 City Attorney



RESOLUTION NO. 38731

1 A RESOLUTION related to the purchase of materials, supplies or equipment, and
2 the furnishing of services; authorizing the waiver of competitive
3 procurement procedures due to sole source availability; and authorizing
4 the execution of a contract with Motorola Solutions, Inc., for a total
5 contract amount of \$1,457,937.71, plus sales tax, to be budgeted from the
6 Radio Communications Fund 5540, in the amount of \$1,019,143.19, plus
7 sales tax, and the CIP LTGO 2010 Bond Fund 3220, in the amount of
8 \$438,794.52, plus sales tax, for the purpose of upgrading the City's
9 existing 800 MHz analog radio system to a digital radio system as part of
10 the county-wide public safety communications upgrade project.

11 WHEREAS the City has complied with all applicable laws governing the
12 acquisition of those supplies, and/or the procurement of those services, inclusive
13 of public works, inclusive of public works, set forth in the attached Exhibit "A,"
14 incorporated herein as though fully set forth, and

15 WHEREAS the Board of Contracts and Awards has made its
16 recommendations as set forth in Exhibit "A"; Now, Therefore,

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

18 Section 1. That the Council of the City of Tacoma concurs with the
19 findings and recommendations of the Board of Contracts and Awards set forth in
20 the attached Exhibit "A," and authorizes the waiver of competitive procurement
21 procedures due to sole source availability.

22 Section 2. That the proper officers of the City are hereby authorized to
23 enter into an agreement with Motorola Solutions, Inc., for a total contract amount
24 of \$1,457,937.71, plus sales tax, budgeted from the Radio Communications
25 Fund 5540, in the amount of \$1,019,143.19, plus sales tax, and the CIP LTGO
26 2010 Bond Fund 3220, in the amount of \$438,794.52, plus sales tax, for the



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purpose of upgrading the City's existing 800 MHz analog radio system to a digital radio system as part of the county-wide public safety communications upgrade project.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



RESOLUTION NO. 38732

1 A RESOLUTION related to the purchase of materials, supplies or equipment, and
2 the furnishing of services; authorizing the appropriate City officials to enter
3 into a contract with Pierce County Security, Inc., in the amount of
4 \$102,600.00, sales tax not applicable, for a cumulative total of
5 \$404,342.50, budgeted from the Non-Departmental General Fund, to
6 increase the contract for security guard services for the Tacoma Municipal
7 Building and Tacoma Municipal Building North through May 31, 2014.

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

12 WHEREAS the Board of Contracts and Awards has made its
13 recommendation as set forth in Exhibit "A"; Now, Therefore,

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

15 Section 1. That the Council of the City of Tacoma concurs with the
16 findings and recommendations of the Board of Contracts and Awards set forth in
17 the attached Exhibit "A."

18 Section 2. That the proper officers of the City are hereby authorized to
19 enter into a contract with Pierce County Security, Inc., in the amount of
20 \$102,600.00, sales tax not applicable, for a cumulative total of \$404,342.50,
21 budgeted from the Non-Departmental General Fund, to increase the contract for
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1 security guard services for the Tacoma Municipal Building and Tacoma Municipal
2 Building North through May 31, 2014.

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4 Adopted _____
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7 _____
8 Mayor

9 Attest:
10 _____
11 City Clerk

12 Approved as to form:
13 _____
14 City Attorney

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RESOLUTION NO. 38733

1 A RESOLUTION relating to Special Projects; designating the City Charter Review
2 as a special project of limited duration; and designating general salary
3 classifications and benefits for persons employed on the project pursuant to
4 Tacoma Municipal Code 1.12.155 and 1.24.187, and Section 6.1(h) of the
5 Tacoma City Charter.

6 WHEREAS it is the desire of the City to designate the City Charter Review
7 as a special project of limited duration, and to employ a special project employee
8 for said project, and

9 WHEREAS, pursuant to Tacoma Municipal Code 1.12.155 and 1.24.187,
10 and Section 6.1(h) of the Tacoma City Charter, employees who are not regular
11 employees and are hired as special project employees are unclassified and paid as
12 provided for by ordinance or resolution of the City Council; Now, Therefore,

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

14 Section 1. That the City Charter Review is hereby designated as a special
15 project of limited duration.

16 Section 2. That, in accordance with Tacoma Municipal Code ("TMC")
17 1.12.155 and 1.24.187, and Section 6.1(h) of the Tacoma City Charter, employees
18 who have been hired or may be hired for positions expected to be of limited
19 duration shall be designated as unclassified special project employees as of the
20 date of hire.

21 Section 3. That the salaries and classifications set forth in the
22 Compensation Plan of the City of Tacoma for permanent employees, or the closest
23 classifications, shall be applied, contingent upon funding, to similar positions of the
24 special project, which positions may include, but are not limited to, Management
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Analyst I. The Compensation Plan is incorporated herein by reference as if fully set forth.

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

Section 5. That, inasmuch as the position to be filled pursuant to this resolution is of a temporary nature and is unique in that it pertains only to the aforementioned special project, it is deemed an unclassified, temporary position of limited duration; and the person so employed in such position shall have no claim to further or continued employment with the City of Tacoma after cessation of such special project or after cessation of activities funded by said program, except pursuant to his or her obtaining status as regular City of Tacoma employee under the provisions of the TMC or pursuant to further action of the City Council relating to this special project.

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



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

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



RESOLUTION NO. 38734

1 A RESOLUTION relating to the update of the Shoreline Master Program;
2 responding to the Department of Ecology's conditional approval, accepting
3 the majority of the Department's required and recommended changes, and
4 proposing an alternative intent statement for the proposed S-6/7 Transition
5 District.

6 WHEREAS the Shoreline Management Act of 1971 ("SMA") requires local
7 Master Programs to meet three basic policies: (a) give priority to uses that require
8 a shoreline location, (b) promote public access and enjoyment opportunities, and
9 (c) protect the environmental resources of state shorelines, and

10 WHEREAS the Department of Ecology (the "Department") guidelines,
11 codified in Washington Administrative Code 173-26, are to be used and followed
12 by local jurisdictions in the comprehensive update to local Master Programs, and
13 include substantive, procedural, and process requirements, and

14 WHEREAS the SMA was amended to establish a timeline for local
15 jurisdictions to adopt an updated Master Program consistent with the guidelines,
16 and

17 WHEREAS the City was required to submit an updated Master Program to
18 the Department by December 1, 2011, and

19 WHEREAS the City submitted its proposed updated Master Program to the
20 Department in November 2011, and

21 WHEREAS after receiving comments, conducting its review, and completing
22 additional process, the Department issued its conditional approval of the City's
23 proposed updated Master Program on August 19, 2013, and
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1 WHEREAS the conditional approval includes both required and
2 recommended changes, and

3 WHEREAS the required changes must either be accepted by the City, or
4 the City must propose alternatives that are acceptable to the Department prior to
5 the updated Master Program being put into effect, and

6 WHEREAS the required changes include several limited amendments to
7 use allowances and development standards for aquaculture, amendments to
8 specific definitions to bring them into alignment with the Washington Administrative
9 Code, and amendments to the S-9 Puyallup River Shoreline District and the
10 S-6/7 Schuster Parkway Transition Shoreline District, and
11

12 WHEREAS, pursuant to RCW 90.58.090, the City has until September 18,
13 2013, to either accept the required changes or propose alternatives, and

14 WHEREAS the City Council is prepared to accept all required and
15 recommended changes, with the exception of the Department's required change to
16 the intent statement for the S-6/7 Transition District, for which the City Council is
17 herein proposing an alternative; Now, Therefore,

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

20 Section 1. That, with the exception of the Department of Ecology's
21 ("Department") required change to the intent statement for the S-6/7 Transition
22 District, the City Council hereby accepts all recommended and required changes
23 contained in the Department's conditional acceptance of the City's proposed
24 updated Shoreline Master Program dated August 19, 2013.
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Section 2. That the City Council hereby proposes an alternative intent statement for the S-6/7 Transition District, attached hereto as Exhibit "A," for the Department's review and consideration pursuant to RCW 90.58.090.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



Exhibit "A"



TACOMA SHORELINE MASTER PROGRAM

PROPOSED ALTERNATIVE S-6/7 DISTRICT INTENT LANGUAGE

September 12, 2013

These amendments show all of the changes to the Department of Ecology's proposed intent statement for the S-6/7 Schuster Parkway Transition Shoreline District, as provided in Ecology's Conditional Approval of the Tacoma Shoreline Master Program.

New text is underlined and text that is deleted is shown in ~~strikethrough~~.

CHAPTER 9 DISTRICT-SPECIFIC REGULATIONS

9.8 S-6/7 Schuster Parkway Transition (UC)

A. The intent of the S-6/7 Schuster Parkway Transition Shoreline District is to recognize that ~~current~~ trends in the character and use of the area have focused on shoreline restoration and environmental clean-up, open space, and public ~~access~~ recreation and that these trends are expected and encouraged to continue over time; to conditionally allow for low intensity port/industrial uses associated with the natural deep water that are demonstrably compatible with the ~~directly~~ adjacent residential areas, business district, schools, recreation and park properties; and to encourage the continued transition to low intensity water-oriented commercial, recreational, and open space ~~development activities~~. Considerations for determining compatibility should include an evaluation of, at a minimum, possible view impacts, noise, light, emissions, and interference with the public use of public shorelines and the long term vision for enhanced public access. Any development within the District must contribute to the extension of public access from the Ruston Way Shoreline District ~~to a Schuster Parkway access trail system.~~ promenade to the Thea Foss Waterway esplanade.



ORDINANCE NO. 28170

1 AN ORDINANCE relating to the Electrical Code; amending Chapter 2.04 of the
2 Tacoma Municipal Code by amending Section 2.04.350 thereof, relating
3 to electrical licensing requirements.

4 WHEREAS the City of Tacoma, Department of Public Utilities, Light Division
5 (d.b.a. "Tacoma Power") desires to amend Section 2.04.350 of the Tacoma
6 Municipal Code to update the electrical licensing requirements and exemptions
7 applicable to electrical work performed within Tacoma Power's jurisdiction, and

8 WHEREAS the proposed amendments will clarify the types of persons and
9 entities performing electrical work that are exempt from Tacoma Power's electrical
10 contractor's license requirement, and will provide accurate information for
11 customers regarding the requirements for obtaining an electrical permit and
12 performing electrical work within Tacoma Power's jurisdiction; Now, Therefore,

13 BE IT ORDAINED BY THE CITY OF TACOMA:

14 That Chapter 2.04 of the Tacoma Municipal Code is hereby amended by
15 amending Section 2.04.350 thereof, as set forth in the attached Exhibit "A."
16

17 Passed _____

18
19 _____
Mayor

20 Attest:
21 _____
City Clerk

22 Approved as to form:
23 _____
24 Deputy City Attorney

25 Requested by Public Utility Board
26 Resolution No. U-10647



EXHIBIT "A"

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2.04.350 License requirements.

A. Subject to subsections B and C, and except as otherwise provided in RCW 19.28.091 or in section 2.04.230, no person or entity shall in any manner undertake to perform any electrical work involving the installation, maintenance, alteration, or repair of any electrical wiring, devices, appliances, or equipment for which a permit is required by this chapter unless such person or entity has an unrevoked, unsuspended, and unexpired electrical contractors license issued by the State of Washington.

B. Employers with employee(s) that perform electrical work are exempt from the license requirements of this section, provided that:

1. The work performed is on the employer's premises or other property; and
2. The work is not on the construction or remodel of a building or other property intended for rent, sale, or lease.

C. Employees performing electrical work on the premises or other property of their employer are

exempt from the license requirements of this section, provided that:

1. The work is not on the construction or remodel of a building or property intended for rent, sale, or lease; and
2. The employee performing the work is a regular, full time employee of the owner of such building or property.

D. A licensed electrical contractor will be required to perform any electrical work for, or on behalf of, any person or entity that does not satisfy the licensing requirements of this section. If it is apparent from the character of the work performed that the person or entity performing work under any exemption in this section is not qualified to do the work under the permit issued, or that the work is otherwise in violation of this chapter, an inspector may require the work to be changed, altered, or repaired by a licensed electrical contractor.



ORDINANCE NO. 28172

1 AN ORDINANCE relating to public nuisances; amending Title 8 of the Tacoma
2 Municipal Code by the addition thereto of a new Chapter 8.35, to be
3 known and designated as "Preventing Neglect of Historic Properties,"
4 consisting of seven sections to be numbered 8.35.010 through 8.35.070.

4 WHEREAS the City finds that the protection, enhancement,
5 perpetuation, and continued use of historically significant properties in the City
6 are important in the interest, prosperity, civic pride, ecological, and general
7 welfare of its citizens, and
8

9 WHEREAS the City encourages the maintenance, protection, use, and
10 enhancement of iconic historic and cultural assets, and

11 WHEREAS, when an owner fails to properly maintain a historical or
12 cultural asset, the public interest requires the City to take action to ensure the
13 protection of said asset, and
14

15 WHEREAS, under existing enforcement codes, if an owner is unwilling
16 or unable to maintain or repair a building, the City must wait until the building
17 can be classified as "dangerous" before taking any action; in many instances,
18 by the time this occurs, the neglected condition has continued for many years,
19 increasing the cost of repairs and diminishing the probability that the building
20 can be saved, and
21

22 WHEREAS it is the intention of the City to establish administrative
23 procedures to prevent an owner's failure to maintain a historically designated
24 property to the extent that the only option to abate the risks caused by such
25 deterioration is demolition, commonly known as "demolition by neglect," and
26



1 WHEREAS the proposed amendments to the Tacoma Municipal Code
2 ("TMC") will provide the City with additional enforcement tools to prevent
3 ongoing neglect of Tacoma's most iconic historic buildings by allowing the City
4 to intervene prior to the building becoming "derelict" or "dangerous," either
5 through civil penalties, where appropriate, or by seeking a warrant to enter and
6 repair a neglected condition, and
7

8 WHEREAS the City will continue to work collaboratively with responsible
9 property owners, and expand incentives, programs, and technical assistance,
10 where appropriate, to ensure protection and enhancement of historic assets,
11 including the establishment of an Emergency Preservation Subfund, utilizing
12 \$250,000 from the existing Dangerous Buildings Fund, to fund potential
13 abatement actions, and
14

15 WHEREAS the proposed amendments have been reviewed by members
16 of the preservation community, citizen commissions, and neighborhood groups
17 and property owners through informal and public presentations, and
18

19 WHEREAS, at its meeting of August 19, 2013, the Neighborhoods and
20 Housing Committee reviewed and recommended the proposed amendments
21 for consideration by the City Council; Now, Therefore,
22

23 **BE IT ORDAINED BY THE CITY OF TACOMA:**

24 That Title 8 of the Tacoma Municipal Code is hereby amended by the
25 addition thereto of a new Chapter 8.35, to be known and designated as
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“Preventing Neglect of Historic Properties,” consisting of seven sections to be numbered 8.35.010 through 8.35.070, as set forth in the attached Exhibit “A.”

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

**Chapter 8.35
PREVENTING NEGLECT OF HISTORIC PROPERTIES**

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Sections:

- 8.35.010 Intent and Purpose.
- 8.35.020 Neglect of Historic Properties is a Public Nuisance.
- 8.35.030 Scope and Applicability.
- 8.35.040 Definitions.
- 8.35.050 Neglected Historic Properties.
- 8.35.060 Penalties and Enforcement.
- 8.35.070 Emergencies.

8.35.010 Intent and Purpose.

A. The City of Tacoma finds that the protection, enhancement, perpetuation, and continued use of historically significant properties located within the City are important in the interests of the prosperity, civic pride, and the ecological and general welfare of its citizens. The City further finds that the economic, cultural, and visual standing of the City cannot be maintained or enhanced by disregarding the heritage of the City or by allowing the destruction, defacement, and neglect of iconic historic and cultural assets; and that the neglect and deterioration of such assets is harmful to the entire community.

B. It is the policy of the City to encourage the maintenance, protection, use and enhancement of iconic historic and cultural assets, and to engage with responsible property owners to ensure such protection and enhancement through ongoing collaboration, and through various incentives, programs and technical assistance, where appropriate.

C. In certain cases where an owner fails to properly maintain a historic resource, the public interest in historic resources requires the City to take specific measures to ensure the continued protection of the resource. It is therefore the intent of the City Council to protect the general welfare by establishing efficient administrative procedures to prevent the owner's failure to maintain a historically designated property such that it deteriorates to the extent that the only option to abate the health and safety risks caused by such deterioration is demolition, commonly known as "demolition by neglect".

8.35.020 Neglect of Historic Properties is a Public Nuisance.

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

8.35.030 Scope and Applicability.

The provisions of this chapter apply to the following types of properties:

- A. Properties individually listed on the Tacoma Register of Historic Places and the National Register of Historic Places
- B. Contributing properties, excluding residential structures containing four or less units, within in Historic Special Review Overlay Zones and National Register Historic Districts.



8.35.040 Definitions.

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

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

5 “Historic District” means an Overlay Zone with a concentration of historic resources that has
6 been found to meet the criteria for designation as a Historic Special Review District under the
7 provisions of TMC 13.07 and has been so designated by City Council, OR a district which has
been added to the National Register of Historic Places by the National Park Service.

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

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

11 “Owner” means any person, including any natural person, joint venture, partnership,
12 association, club, company, corporation, business trust, government entity, or organization, or
the manager, lessee, agent, officer, or employee of any of them, having any interest in the real
13 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.

14 **8.35.050 Neglected Historic Properties.**

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

- 17 1. Unstable or insecure architectural elements such as veneers, cornices, belt courses, corbels,
trim, wall facing and similar decorative elements or parts that may fall and cause injury to
persons or property.
- 18 2. Deteriorated, cracking, failing or otherwise inadequate foundation or one that is unable to
19 support loads.
- 20 3. Deteriorated or defective flooring or floor supports that causes leaning, sagging, splitting,
21 listing, buckling, or are otherwise insufficient to carry imposed loads.
- 22 4. Deteriorated or defective walls, partitions or supports that cause leaning, sagging, splitting,
23 listing, buckling, or are otherwise insufficient to carry imposed loads.
- 24 5. Ceilings, roofs, ceiling or roof supports, or other horizontal members which sag, split, or
25 buckle due to defect or deterioration or are insufficient to support the imposed loads.
- 26 6. Deteriorated or defective chimneys, smokestacks or fireplaces or other appurtenances that
cause leaning, sagging, splitting, listing, buckling, or are of insufficient size or strength to carry
the imposed loads.
7. Deteriorated, crumbling, or loose exterior stucco, plaster, or mortar, or loose or unstable
masonry.



1 8. Broken, missing, or rotted roofing materials or roof components, window glass, sashes, or
frames, or exterior doors or door frames.

2 9. Any fault, defect, or condition in the structure which renders it structurally unsafe or
unstable.

3 10. Defective protection or lack of weather protection for exterior wall and roof coverings,
including lack of paint, or weathering due to lack of paint (for surfaces that are designed to be
4 painted) or other protective covering or holes in weather protection.

5 11. Other visible signs of exterior deterioration that has a detrimental effect upon the character
of the building.

6 12. Deterioration or improper anchorage of exterior stairs, porches, handrails, window and door
frames, cornices, entablatures, wall facings, and architectural details that causes delamination,
7 instability, loss of shape and form, or crumbling.

8 13. Rotting, holes, and other forms of decay, including vegetation growing from or on
structures.

9 14. Other deterioration of any exterior feature so as to create or permit the creation of any
hazardous or unsafe conditions to life, health, or other property.

10 15. Open or unsecured vacant building that is accessible to trespass or evidence of unlawful
11 human occupation.

12 16. Other conditions causing deterioration of "character defining features" on the historic
property, such as veneers, cornices, belt courses, corbels, trim, wall facing and similar
13 decorative elements or parts, which may cause the building to lose its historic significance.

14 B. Building elements, configurations or construction techniques present in historic buildings
that are consistent with the applicable building codes at the time of construction do not
15 constitute neglect as defined by this chapter.

16 C. Normal signs of age commonly present in historic buildings, such as fading and crazing of
surface finishes, do not constitute neglect as defined by this chapter.

17 **8.35.060 Penalties and Enforcement.**

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

19 A. Begin enforcement action pursuant to procedures outlined in TMC 8.30, including, but not
20 limited to, issuing a Notice of Violation and Abatement, or entering and repairing or correcting
any conditions that threaten the integrity of the building, including failing weather protection,
21 structural instability, failing masonry, or architectural elements in danger of falling off, and in
accordance with the requirements for design review TMC 13.05.047. Such repair should be
22 limited to that which is minimally necessary in order to stabilize a historic structure or to
prevent further significant deterioration, and may be considered temporary in nature.

23 B. A person to whom a Notice of Violation and Abatement or civil penalty has been issued, or
any other person with a legal or equitable interest in the property, may request an appeal
24 hearing pursuant to TMC 8.30.100. If any historic property covered by this chapter shall have
to be demolished as an unfit building or "dangerous building" per TMC 2.01 and the owner
25 thereof shall have received two (2) or more notices from the City that the property is a
"neglected historic property" in violation of this and other city ordinances, the following shall
26 apply:



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1. For a period of five (5) years from and after the date of such demolition, development of the site shall be limited to a replacement structure that reproduces the size, square footage and visual, aesthetic, architectural, and material character of the demolished building, and must be approved by the Landmarks Preservation Commission, prior to the issuance of any development permits. Additionally, no permits for the operation of surface parking lot shall be granted by the city during this period, nor shall a parking lot for vehicles be operated, whether for remuneration or not, on the site for a period of five (5) years from and after the date of such demolition.

2. This provision shall not apply to demolitions attributable to an act of God or other catastrophic occurrence that could not have been prevented by the exercise of foresight or caution

3. This provision may be lifted by the Director of Planning and Development Services in consultation with the Landmarks Preservation Commission if it can be demonstrated that there is a viable development project on the site that represents a substantial benefit to the public.

C. For historic properties that may be considered unfit according to RCW 35.80, the City may initiate the dangerous building procedures pursuant to TMC 2.01.060 or the City may initiate eminent domain procedures in accordance with RCW 35.80A.

8.35.070 Emergencies.

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