



Legislation Passed December 16, 2014

The Tacoma City Council, at its regular City Council meeting of December 16, 2014, adopted the following resolutions and/or ordinances. The summary of the contents of said resolutions and/or ordinances are shown below. To view the full text of the document, click on the bookmark at the left of the page.

Resolution No. 39078

A resolution setting Thursday, January 15, 2015, at 9:00 a.m., as the date for a hearing by the Hearing Examiner on the request to vacate portions of Court C and Court D south of South 17th Street, for pedestrian and bicycle improvements, landscaping, traffic management, parking and vehicle access to the University of Washington Tacoma campus and adjacent buildings.

(University of Washington Tacoma; File No. 124.1346)

[Troy Stevens, Senior Real Estate Specialist; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 39079

A resolution setting Thursday, January 15, 2015, at 9:00 a.m., as the date for a hearing by the Hearing Examiner on the request to vacate portions of Jefferson Avenue south of South 17th Street, for pedestrian and bicycle improvements, landscaping, traffic management, parking and vehicle access to the University of Washington Tacoma campus and adjacent buildings.

(University of Washington Tacoma; File No. 124.1347)

[Troy Stevens, Senior Real Estate Specialist; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 39080

A resolution reappointing William Driscoll and Jay Jetter to the Foss Waterway Development Authority.

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

Resolution No. 39081

A resolution approving the Tacoma Employees' Retirement System Board of Administration's appointment of Timothy Allen to the position of Tacoma Retirement System Director.

[Mayor Strickland, Tacoma Employees' Retirement System Board of Trustees Chair]

Resolution No. 39082

A resolution awarding a contract to Alcatel-Lucent USA, Inc., in the amount of \$1,100,000.00, plus sales tax, and a six-year technical support and next-day hardware replacement agreement, in the amount of \$312,842.63, plus sales tax, for a cumulative total of \$1,412,842.63, budgeted from the General Fund, to purchase City Net network electronic equipment and related services -

Western States Contracting Alliance Contract No. 02702.

[Gwen Schuler, Media and Communications Manager; T.C. Broadnax, City Manager]

Resolution No. 39083

A resolution awarding a contract to the Tacoma Regional Convention & Visitor Bureau, in the amount of \$1,551,632, sales tax not applicable, budgeted from the Convention Center Operating Fund, for marketing and promotion services to support travel and tourism development, and sales and promotion service to support the sales and marketing program for the Greater Tacoma Convention and Trade Center, for the period of January 1, 2015 through December 31, 2016, with one automatic two-year extension through December 31, 2018, for a projected contract total of \$3,103,264 - Direct Negotiation. [Jon Houg, Deputy Director; Kim Bedier, Director, Public Assembly Facilities]

Resolution No. 39084

A resolution awarding a contract to CompuCom Systems, Inc., in the amount of \$2,196,740, plus sales tax, budgeted from the Information Systems Fund, to purchase Microsoft licensing and software assurance services, for a three-year period from January 1, 2015 through December 31, 2017 - Washington State Contract No. T11-MST-579. [Jack Kelanic, Director, Information Technology]

Resolution No. 39085

A resolution granting a non-exclusive easement to Puget Sound Energy, Inc., to construct a natural gas pipeline and connection to provide compressed natural gas to the fueling station located at the Solid Waste Transfer Station. [Richard Price, Senior Real Estate Officer; Michael P. Slevin III, P.E., Director, Environmental Services]

Resolution No. 39086

A resolution authorizing the execution of a Liability Allocation Agreement with the National Railroad Passenger Corporation (Amtrak), to set forth the apportionment of liability and risk of damage between Tacoma Rail and Amtrak, in connection with activities conducted on Sound Transit-owned track between Nisqually Junction and TR Junction (the Tacoma Dome segment). [Alan Matheson, Chief Mechanical Officer; Dale King, Rail Superintendent]

Resolution No. 39087

A resolution authorizing the execution of an amendment to the Interlocal Agreement with the City of Fife, in the amount of \$409,382, to continue utilizing the City of Fife's Electronic Home Monitoring Program services, through December 31, 2015. [Nadia Chandler Hardy, Assistant to the City Manager; T.C. Broadnax, City Manager]

Resolution No. 39088

A resolution authorizing the execution of an agreement with MultiCare Behavioral Health & Outreach Services, in the amount of \$319,462, budgeted from the Mental Health Chemical Dependency Fund, for the provision of two mental health professionals, supervision, education, and indirect administrative costs related to jail and hospital diversion services, for the period of January 1, 2015, through December 31, 2016. [Pamela Duncan, Human Services Division Manager; Nadia Chandler Hardy, Director, Neighborhood and Community Services Department]

Resolution No. 39089

A resolution approving the cancellation of the following six regular City Council meetings in 2015: January 20; March 10; May 26; September 8; December 22; and December 29.
[Mayor Marilyn Strickland]

Ordinance No. 28271

An ordinance amending Title 17 of the Municipal Code, entitled Animal Control, by amending various chapters, to clarify the definition of animal shelter, include provisions on adequate care of animals, and eliminate a \$100 appeal fee.
[Charles Taylor, Captain; Donald Ramsdell, Chief of Police]

Ordinance No. 28272

An ordinance amending Chapters 1.23, 2.01, 8.23, 8.30, and 8.122 of the Municipal Code to align all appeal rights under the jurisdiction of the Hearing Examiner relating to public nuisance vehicles, public nuisances, noise enforcement, and the Minimum Building and Structures Code.

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

Ordinance No. 28273

An ordinance amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to provide for time periods for employee enrollment in benefit plans to meet the requirements of the Affordable Care Act.

[Kari Louie, Benefits Manager; Joy St. Germain, Director, Human Resources]

Ordinance No. 28274

An ordinance amending Chapter 1.07 of the Municipal Code, relating to the Small Business Enterprise (SBE) Program, to add a new definition, update the certification process, and extend said Program through December 31, 2019.

[Charles Wilson, Lead Program Development Coordinator;
Ricardo Noguera, Director, Community and Economic Development]



RESOLUTION NO. 39078

1 A RESOLUTION relating to the vacation of City right-of-way; setting Thursday,
 2 January 15, 2015, at 9:00 a.m., as the date for a hearing before the City of
 3 Tacoma Hearing Examiner on the petition of University of Washington
 4 Tacoma to vacate portions of Court "C" and Court "D," southerly of
 South 17th Street.

5 WHEREAS the University of Washington Tacoma, having received the
 6 consent of the owners of more than two-thirds of the properties abutting Court "C"
 7 and Court "D" southerly of South 17th Street, has petitioned for the vacation of the
 8 following legally described right-of-way area:

9 A portion of the Northwest and the Southwest quarters of the
 10 Southwest quarter of Section 04, Township 20 North,
 11 Range 03 East, W.M. more particularly described as follows:

12 The alley lying between and abutting Blocks 1706 and 1707,
 13 Map of New Tacoma, Washington Territory, according to the
 14 plat thereof recorded February 3, 1875, records of Pierce
 County Auditor, now known as Court "C";

15 Together With the alley lying between and abutting Blocks
 16 1708 and 1709, of the aforementioned Plat, now known as
 Court "D";

17 All lands situate in the City of Tacoma, County of Pierce,
 18 State of Washington;

19 Now, Therefore,

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

21 Section 1. That Thursday, January 15, 2015, at 9:00 a.m., is hereby fixed
 22 as the date and time, and the Council Chambers on the first floor of the Tacoma
 23 Municipal Building, 747 Market Street, in the City of Tacoma, as the place when
 24 and where the petition of University of Washington Tacoma to vacate portions of
 25 Court "C" and Court "D" southerly of South 17th Street will be heard by the Hearing
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Examiner and her recommendations thereafter transmitted to the Council of the
City of Tacoma.

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:

Property description approved:

Deputy City Attorney

Chief Surveyor
Public Works Department

Location: Portions of Court C and Court D southerly of South 17th Street
Petitioner: University of Washington Tacoma
File No.: 124.1346



RESOLUTION NO. 39079

1 A RESOLUTION relating to the vacation of City right-of-way; setting Thursday,
2 January 15, 2015, at 9:00 a.m., as the date for a hearing before the City of
3 Tacoma Hearing Examiner on the petition of University of Washington
4 Tacoma to vacate portions of Jefferson Avenue southerly of South 17th
5 Street.

6 WHEREAS the University of Washington Tacoma, having received the
7 consent of the owners of more than two-thirds of the properties abutting Jefferson
8 Avenue southerly of South 17th Street, has petitioned for the vacation of the
9 following legally described right-of-way area:

10 A portion of the Northwest quarter of the Southwest quarter
11 of Section 04, Township 20 North, Range 03 East, W.M.
12 more particularly described as follows:

13 That portion of Jefferson Avenue lying southerly of the
14 South right-of-way margin of South 17th Street and
15 easterly of the southerly extension of the West line of
16 Block 1705, Map of New Tacoma, Washington Territory,
17 according to the Plat thereof as recorded February 3, 1875,
18 records of Pierce County Auditor;

19 Said southerly extension terminates at the West line of
20 Block 1806 of said Plat;

21 Situate in the City of Tacoma, County of Pierce, State of
22 Washington.

23 Now, Therefore,

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

25 Section 1. That Thursday, January 15, 2015, at 9:00 a.m., is hereby fixed
26 as the date and time, and the Council Chambers on the first floor of the Tacoma
Municipal Building, 747 Market Street, in the City of Tacoma, as the place when
and where the petition of University of Washington Tacoma to vacate portions of



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Jefferson Avenue southerly of South 17th Street will be heard by the Hearing Examiner and her recommendations thereafter transmitted to the Council of the City of Tacoma.

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:

Property description approved:

Deputy City Attorney

Chief Surveyor
Public Works Department

Location: Portions of Jefferson Avenue southerly of South 17th Street
Petitioner: University of Washington Tacoma
File No.: 124.1347



RESOLUTION NO. 39080

1 BY REQUEST OF COUNCIL MEMBERS BOE, CAMPBELL, MELLO, AND
2 WALKER

3 A RESOLUTION relating to committees, boards, and commissions; reappointing
4 individuals to the Foss Waterway Development Authority.

5 WHEREAS vacancies exist on the Foss Waterway Development Authority,
6 and

7 WHEREAS, at its meeting of November 25, 2014, the Economic
8 Development Committee recommended the reappointment of individuals to said
9 authority, and

10 WHEREAS, pursuant to the City Charter Section 2.4 and the Rules,
11 Regulations, and Procedures of the City Council, the persons named on Exhibit "A"
12 have been nominated to serve on the Foss Waterway Development Authority; Now,
13 Therefore,

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

15 That those nominees to the Foss Waterway Development Authority, listed on
16 Exhibit "A," are hereby confirmed and reappointed as members of such authority for
17 such terms as are set forth on Exhibit "A."
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19 Adopted _____
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21 _____
22 Mayor

23 Attest:
24 _____

25 City Clerk

26 Approved as to form:

City Attorney



EXHIBIT "A"

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FOSS WATERWAY DEVELOPMENT AUTHORITY

Reappointing **William Driscoll** to a three-year term beginning January 1, 2015, to expire December 31, 2017.

Reappointing **John "Jay" Jetter** to a three-year term beginning January 1, 2015, to expire December 31, 2017.



RESOLUTION NO. 39081

1 A RESOLUTION relating to the Tacoma Employees' Retirement System ("TERS")
2 Board of Administration; approving the TERS Board's appointment of
3 Timothy Allen as the Tacoma Retirement System Director, pursuant to
4 Section 1.30.400 of the Tacoma Municipal Code.

5 WHEREAS the position of Retirement Director has been vacant since
6 September 2014 due to the former director's retirement, and

7 WHEREAS Timothy Allen, Tacoma Employees' Retirement System
8 ("TERS") Chief Investment Officer, was appointed as the Interim Retirement
9 Director by the Tacoma Employees' Retirement System Board of Administration
10 ("TERS Board") until a permanent appointment could be made, and

11 WHEREAS the TERS Board, through its Executive Committee, conducted a
12 nationwide recruitment for the Retirement Director, including posting the position
13 on six national websites and contacting over 500 targeted individuals, and

14 WHEREAS nine applicants passed preliminary screening by the recruitment
15 consultant, and five applicants were ultimately interviewed by the TERS Board
16 Executive Committee, and

17 WHEREAS the TERS Board fulfilled its due diligence duty under its fiduciary
18 responsibility to the Employees' Retirement Fund in its evaluation and assessment
19 of the top candidates, and

20 WHEREAS Timothy Allen has the required expertise, professional manner,
21 long-term vision, and deep commitment to the TERS mission, as well as extensive
22 experience in the areas of institutional investment consulting, including asset
23 allocation, manager selection, and monitoring, and
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WHEREAS Section 1.30.400 of the Tacoma Municipal Code provides that the appointment of the Retirement System Director shall be made by the TERS Board, subject to the approval of the City Council, and

WHEREAS the TERS Board of Administration, at its November 13, 2014, meeting, has appointed Timothy Allen to fill the Retirement System Director position; Now, Therefore,

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

That the City Council hereby approves the Tacoma Employees' Retirement System Board of Administration's appointment of Timothy Allen to the position of Tacoma Retirement System Director, pursuant to Section 1.30.400 of the Tacoma Municipal Code.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



RESOLUTION NO. 39082

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the execution of a contract
3 with Alcatel-Lucent USA, Inc., in the amount of \$1,100,000.00, plus
4 sales tax, and a six-year technical support and next day hardware
5 replacement agreement, in the amount of \$312,842.63, plus sales tax,
6 for a cumulative total of \$1,412,842.63, budgeted from the General
Fund, to purchase City Net network electronic equipment and related
services, pursuant to Western States Contracting Alliance ("WSCA")
Contract No. 02702.

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

12 WHEREAS the Board of Contracts and Awards has concurred with the
13 recommendation for award 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 Board of Contracts and Awards to adopt the recommendation for award as
17 set forth in the attached Exhibit "A."
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19 Section 2. That the proper officers of the City are hereby authorized to
20 enter into a contract with Alcatel-Lucent USA, Inc., in the amount of
21 \$1,100,000.00, plus sales tax; and a six-year technical support and next day
22 hardware replacement agreement, in the amount of \$312,842.63, plus sales
23 tax, for a cumulative total of \$1,412,842.63, budgeted from the General Fund,
24 to purchase City Net network electronic equipment and related services,
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1 pursuant to Western States Contracting Alliance ("WSCA") Contract
2 No. 02702, consistent with Exhibit "A."

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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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RESOLUTION NO. 39083

1 A RESOLUTION related to the purchase of materials, supplies or equipment, and
2 the furnishing of services; authorizing the waiver of competitive procurement
3 procedures as deemed in the best interests of the City; and authorizing the
4 execution of a contract with the Tacoma Regional Convention & Visitor
5 Bureau, in the amount of \$1,551,632.00, sales tax not applicable, budgeted
6 from the Convention Center Operating Fund, for marketing and promotion
7 services to support travel and tourism development for the City of Tacoma,
8 and sales and promotion service to support the sales and marketing
9 program for the Greater Tacoma Convention and Trade Center, for a
10 two-year contract term of January 1, 2015, through December 31, 2016,
11 with one automatic two-year extension through December 31, 2018, for an
12 estimated cumulative contract total of \$3,103,264.00.

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

13
14 WHEREAS the Board of Contracts and Awards has concurred with the
15 recommendation for award as set forth in Exhibit "A"; Now, Therefore,

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

17 Section 1. That the Council of the City of Tacoma concurs with the
18 Board of Contracts and Awards to adopt the recommendation for award as set
19 forth in the attached Exhibit "A," and authorizes the waiver of competitive
20 procurement procedures as deemed in the best interests of the City.

22 Section 2. That the proper officers of the City are hereby authorized to
23 enter into a contract with the Tacoma Regional Convention & Visitor Bureau, in
24 the amount of \$1,551,632.00, sales tax not applicable, budgeted from the
25 Convention Center Operating Fund, for marketing and promotion services to
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support travel and tourism development for the City of Tacoma, and sales and promotion service to support the sales and marketing program for the Greater Tacoma Convention and Trade Center, for a two-year contract term of January 1, 2015, through December 31, 2016, with one automatic two-year extension through December 31, 2018, for an estimated cumulative contract total of \$3,103,264.00, consistent with Exhibit "A."

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



RESOLUTION NO. 39084

1 A RESOLUTION related to the purchase of materials, supplies or equipment, and
2 the furnishing of services; authorizing the execution of a contract with
3 CompuCom Systems, Inc., in the amount of \$2,196,740.00, plus
4 applicable sales tax, budgeted from the Information Systems Fund, to
5 purchase Microsoft licensing and software assurance services, for a
6 three-year renewal term from January 1, 2015 through December 31,
7 2017.

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

12 WHEREAS the Board of Contracts and Awards has concurred with the
13 recommendation for award 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 Board
16 of Contracts and Awards to adopt the recommendation for award as 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 CompuCom Systems, Inc., in the amount of
20 \$2,196,740.00, plus applicable sales tax, budgeted from the Information Systems
21 Fund, to purchase Microsoft licensing and software assurance services, for a
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1 three-year renewal term from January 1, 2015 through December 31, 2017,
2 consistent with Exhibit "A."

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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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RESOLUTION NO. 39085

1 A RESOLUTION relating to solid waste management and the use of City real
2 property; granting the execution of a non-exclusive easement to Puget
3 Sound Energy, Inc. to construct a natural gas pipeline and connection to
4 provide compressed natural gas to the fueling station located at the Solid
5 Waste Transfer Station.

6 WHEREAS, on June 24, 2014, Resolution No. 38934 authorized a contract
7 with TruStar Energy LLC, for an initial term of two years, for the construction and
8 maintenance of a fueling station at the Solid Waste Transfer Station, and

9 WHEREAS Puget Sound Energy has made a request to the City for a
10 permanent easement on City property to provide natural gas service to the fueling
11 station, and has agreed to be subject to the terms and conditions of Section 4(b) of
12 the Restrictive Covenant entered into between the City of Tacoma, United States
13 Environmental Protection Agency, and Washington State Department of Ecology,
14 executed in November 2001 and recorded with the Pierce County Auditor under
15 No. 200111160567, and

16 WHEREAS the proposed easement will provide the fueling infrastructure
17 necessary to provide for more efficient operation of Solid Waste Management's
18 ("SWM") truck fleet, and

19 WHEREAS compressed natural gas fuel will reduce environmental impacts
20 by decreasing greenhouse gas and particulate emissions, and will enable SWM to
21 cut fuel costs by approximately 20 to 30 percent compared to B20 biodiesel fuel;

22 Now, Therefore,
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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

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That the proper officers of the City are hereby authorized to execute a non-exclusive easement to Puget Sound Energy, Inc. to construct a natural gas pipeline and connection to provide compressed natural gas to the fueling station located at the Solid Waste Transfer Station, said easement to be substantially in the form of the document on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



RESOLUTION NO. 39086

1 A RESOLUTION relating to the Department of Public Works; authorizing City of
2 Tacoma, Public Works Department, Tacoma Rail Mountain Division
3 (“TRMW”), to enter into a Liability Allocation Agreement with the National
4 Railroad Passenger Corporation (“Amtrak”) to set forth the apportionment of
5 liability and risk of damage between TRMW and Amtrak in connection with
6 activities conducted on Sound Transit-owned track between the Nisqually
7 Junction and TR Junction.

8 WHEREAS the Washington State Department of Transportation is planning
9 to upgrade railroad tracks and various support facilities between Nisqually Junction
10 and TR Junction to enable the National Railroad Passenger Corporation (“Amtrak”)
11 to bypass Point Defiance Park and travel directly into Tacoma utilizing Sound
12 Transit-owned tracks, and

13 WHEREAS the City of Tacoma, Public Works Department, Tacoma Rail
14 Mountain Division (“TRMW”) uses the same tracks for its operations, as does the
15 Department of Public Utilities, Beltline Division, d.b.a. “Tacoma Rail,” and

16 WHEREAS the purpose of the agreement is to provide certainty regarding
17 liability and indemnification responsibilities between the parties prior to any
18 incidents occurring, and

19 WHEREAS such agreements are standard in the industry, and Amtrak has
20 entered into such agreements throughout its operations, and

21 WHEREAS similar agreements are currently in place between the City and
22 Sound Transit and the City and BNSF Railroad Corporation, and

23 WHEREAS staff is recommending execution of the agreement to avoid
24 costly future litigation and protect the City from Amtrak passenger claims, and
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WHEREAS the Public Utility Board is scheduled to approve the agreement for Tacoma Rail at its December 17, 2014, meeting; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA

That the proper officers of the City are hereby authorized to enter into a Liability Allocation Agreement with the National Railroad Passenger Corporation (“Amtrak”) to set forth the apportionment of liability and risk of damage between the City of Tacoma, Department of Public Works, Tacoma Rail Mountain Division (“TRMW”) and Amtrak for incidents that may occur in connection with activities conducted on Sound Transit-owned track between the Nisqually Junction and TR Junction, said document to be substantially in the form of the agreement on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Chief Deputy City Attorney



RESOLUTION NO. 39087

1 A RESOLUTION relating to corrections; authorizing the execution of an
2 amendment to the Interlocal Agreement with the City of Fife to continue
3 utilizing the City of Fife's Electronic Home Monitoring Program services for
4 one additional year.

4 WHEREAS on December 18, 2012, the Council approved Resolution
5 No. 38586, authorizing the execution of an Interlocal Agreement with the City of
6 Fife ("Fife") to utilize Fife's Electronic Home Monitoring Program ("EHM Program")
7 services, and

8 WHEREAS the Interlocal Agreement was executed by the parties on
9 January 28, 2013, and

10 WHEREAS the Interlocal Agreement provides for one-year renewals upon
11 either party providing written notice 30 days prior to the expiration of the Interlocal
12 Agreement, and

13 WHEREAS the City has provided the required 30 days' written notice that it
14 desires to renew the Interlocal Agreement with Fife for one additional year, and

15 WHEREAS the costs for the Fife EHM program are approximately \$115.50
16 per week for standard service and \$120.75 per week for standard service plus
17 blood alcohol monitoring, which costs include monitoring, customer service, and
18 notification to offenders and the court, and

19 WHEREAS a one-year extension of the Interlocal Agreement with Fife for
20 said services appears to be in the best interests of the City; Now, Therefore,

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

22 That the proper officers of the City are hereby authorized to execute an
23 amendment to the Interlocal Agreement with the City of Fife to extend Electronic
24 Home Monitoring Program and related services for an additional one-year term,
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commencing January 1, 2015, said document to be substantially in the form of the proposed amendment on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



RESOLUTION NO. 39088

1 A RESOLUTION authorizing the execution of an agreement with MultiCare
2 Behavioral Health & Outreach Services, in the amount of \$319,462,
3 budgeted from the Mental Health Chemical Dependency Fund, for the
4 provision of two mental health professionals, supervision, education, and
5 indirect administrative costs related to jail and hospital diversion services,
6 for the period of January 1, 2015, through December 31, 2016.

7 WHEREAS, on May 8, 2012, Council adopted Resolution No. 38483,
8 approving an Implementation Plan directing the use of tax revenues collected
9 pursuant to Sections 6A.70.045 and 6A.70.046 of the Tacoma Municipal Code,
10 and

11 WHEREAS the Implementation Plan establishes five priority funding goals,
12 the first of which is to reduce costly interventions, and

13 WHEREAS jail and hospital diversion is one of the most effective methods
14 for reducing costly public intervention of police and emergency support services,
15 and

16 WHEREAS, for two years, Neighborhood and Community Services (“NCS”)
17 has been working on the development and implementation of a police
18 co-responder program, where mental health professionals will be embedded within
19 the police department and respond to calls for service when officers identify that
20 mental health professional assistance would best serve the interests of the
21 community, and

22 WHEREAS the City Manager’s 2014 Goals call for staff to implement a
23 Mental Health Co-Responder Program in the Tacoma Police Department (“TPD”)
24 as a means to partner with mental health professionals to efficiently and
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1 appropriately deal with citizens that police officers identify as needing mental
2 health services, and

3 WHEREAS staff is recommending adoption of a contract with MultiCare
4 Behavioral Health & Outreach Services ("MultiCare") to provide such support
5 services to TPD in fulfillment of the City's goal of jail and hospital diversion, funded
6 through the City's .1% Mental Health Chemical Dependency ("MHCD") Sales Tax,
7 and

8 WHEREAS direct solicitation for professional services may be authorized by
9 the City Manager when in the best interests of the City, and

10 WHEREAS, historically, the City has entered into direct funding for human
11 or social services when it meets the best interests of the City, and

12 WHEREAS, on July 24, 2014, NCS and TPD staff made a joint presentation
13 before the Public Safety Human Services and Education Committee, seeking
14 support for the collaboration effort to launch a co-responder program utilizing the
15 services of MultiCare and MHCD Sales Tax funding, and is now coming before the
16 City Council for its consideration; Now, Therefore,

17
18
19 **BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:**

20 That the proper officers of the City are hereby authorized to execute an
21 agreement with MultiCare Behavioral Health & Outreach Services, in the amount of
22 \$319,462, budgeted from the Mental Health Chemical Dependency Fund, for the
23 provision of two mental health professionals, supervision, education, and indirect
24 administrative costs related to jail and hospital diversion services, for the period of
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January 1, 2015, through December 31, 2016, said agreement to be substantially
in the form of the document on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



RESOLUTION NO. 39089

1 BY REQUEST OF MAYOR STRICKLAND

2 A RESOLUTION relating to City Council meetings; approving the cancellation
3 of six regular City Council Meetings in 2015.

4 WHEREAS, pursuant to City Charter Section 2.8, the City Council shall meet
5 weekly at least 46 times per calendar year, and

6 WHEREAS the City Council can, by a majority vote, cancel up to six
7 meetings in 2015 while still meeting its regular meeting requirements, and

8 WHEREAS, after discussion at the December 2, 2014, Committee of the
9 Whole, the City Council determined that the following regular City Council
10 meetings scheduled for 2015 would be cancelled: January 20; March 10; May 26;
11 September 8; December 22; and December 29; Now, Therefore,

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

13 That the following City Council meetings scheduled for 2015 are hereby
14 cancelled: January 20; March 10; May 26; September 8; December 22; and
15 December 29.

16 Adopted _____

17 _____
18 Mayor

19 Attest: _____

20 _____
21 City Clerk

22 Approved as to form:
23 _____

24 _____
25 City Attorney
26



ORDINANCE NO. 28271

1 An ordinance relating to animal control; amending Title 17 of the Tacoma
2 Municipal Code by amending Chapters 17.01, 17.04, and 17.06 thereof
3 to clarify the definition of animal shelter, include provisions on adequate
care of animals, and eliminate a \$100 appeal fee.

4 WHEREAS Title 17 of the Tacoma Municipal Code (“TMC”), relating to
5 animal control, does not specify standards for the care of animals within City
6 limits, and

7
8 WHEREAS the proposed amendments, developed in cooperation with
9 the Tacoma Police Department, Animal Care and Control, and concerned
10 residents, will establish standards for the adequate care of animals, including
11 food, water, and shelter, and enhance animal welfare in the City, and

12 WHEREAS, currently, the TMC refers alternatively to “animal shelter”
13 and “shelter,” and standardizing this definition will ensure consistency within the
14 TMC, and

15
16 WHEREAS, under the TMC, a pet owner is currently charged a fee of
17 \$100 to appeal a declaration that his or her dog is dangerous or potentially
18 dangerous, or to appeal a finding that he or she is a problem pet owner, and
19 eliminating this fee will bring the TMC in compliance with a recent court
20 decision holding that charging a fee to obtain review of a dangerous dog
21 declaration violates the dog owner's due process rights, and

22
23 WHEREAS, on October 17, 2014, the proposed amendments were
24 reviewed by the Public Safety, Human Services and Education Committee and
25 recommended for City Council consideration; Now, Therefore,
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BE IT ORDAINED BY THE CITY OF TACOMA:

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That Title 17 of the Municipal Code is hereby amended by amending
Chapters 17.01, 17.04,. and 17.06 thereof, to read as set forth in the attached
Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

Chapter 17.01 ANIMAL CONTROL – GENERAL PROVISIONS

Sections:

- 17.01.010 Definitions.
- 17.01.020 Authorized agents may perform duties.
- 17.01.030 Authority to pursue.
- 17.01.040 Probable cause to impound animal.
- 17.01.050 Notice of impounding animal.
- 17.01.060 Repealed.
- 17.01.070 Interference with impounding – gross misdemeanor.
- 17.01.080 Redemption of dogs.
- 17.01.090 Redemption of livestock.
- 17.01.100 Redemption of animals other than dogs and livestock.
- 17.01.110 Mandatory spay/neuter for impounded dogs and cats - exception.
- 17.01.120 Mandatory spay/neuter for adopted dogs and cats – exception.
- 17.01.130 Conditions of release.
- 17.01.140 Injured or diseased animals.
- 17.01.150 Duties upon injury or death to an animal – misdemeanor.
- 17.01.160 Prevention of cruelty to animals – adoption by reference.
- 17.01.161 Crimes relating to animals – Adoption by reference.
- 17.01.162 Interfering with dog guide or service animal – Adoption by reference.
- 17.01.163 Interfering with search and rescue dog – Adoption by reference.
- 17.01.164 Unlawful traps – Adoption by reference.
- 17.01.165 Humane restraint standards for animals.
- 17.01.166 [Adequate care for animals.](#)
- 17.01.170 Poisoning animals – penalty – Adoption by reference.
- 17.01.180 Repealed.
- 17.01.190 Penalty for violation – Civil infraction.
- 17.01.200 Severability.

17.01.010 Definitions.

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

1. "Adult" means any animal over the age of 21 weeks.
2. "Animal" means any nonhuman mammal, bird, reptile, or amphibian.
3. "Altered" means an animal which has been spayed or neutered. To qualify as an altered animal, an individual must provide either proof of alteration from a licensed veterinarian or a written statement from a licensed veterinarian that the spay/neuter procedure would be harmful to the animal.
4. "Animal control" or "animal control authority" means a City department or division designated by the City Manager to implement and enforce the provisions of this title.
5. "Animal control officer" means any Tacoma police officer or an employee of the City authorized by the City and specially commissioned by the Chief of Police to enforce Tacoma Municipal Code ("TMC") Title 17.
6. "Animal shelter" ~~or "shelter"~~ means a facility operated by the Humane Society or another facility that contracts with the City to provide for the care of animals impounded or detained by an animal control officer or released to an animal control officer under this title.
7. "Animal welfare facility" means any indoor or outdoor facility where pets are routinely housed or maintained by or for an animal welfare organization.



- 1 8. “Animal welfare organization” means any public or private charitable organization, whether called a
2 kennel, cattery, [animal](#) shelter, society, or rescue, and includes the organization’s officers, agents, and
3 representatives when acting in the name or on behalf of the organization that controls, rescues, [animal](#)
4 shelters, cares for, or disposes of pets as all or part of the purpose of the organization.
- 5 9. “At large” means off the premises of the owner or keeper of the animal, and not under restraint by
6 leash or chain eight feet in length or shorter.
- 7 10. “Cat” a member of the species *Felis catus* and commonly known as the domestic cat..
- 8 11. “Charitable organization” means any organization recognized as a nonprofit corporation under the
9 provisions of Chapter 24.03 of the Revised Code of Washington (“RCW”) and exempt from the
10 Washington State business and occupation tax pursuant to RCW 82.04.3651.
- 11 12. “Commercial pet facility” means any place, premises, or entity where pets are boarded, kept, or bred
12 for hire, or where pets are housed for resale, such as pet shops, but not including a veterinary hospital
13 where boarding is incidental to treatment. Animal daycare operations are included in the definition of
14 commercial pet facility.
- 15 13. “Competent person” means a person who is able to sufficiently care for, control, and restrain an
16 animal and who has the capacity to exercise sound judgment regarding the rights and safety of others.
- 17 14. “Court” means Tacoma Municipal Court or the Superior Court of Pierce County, which courts shall
18 have concurrent jurisdiction hereunder.
- 19 15. “Dangerous dog” means any dog that, according to the records of the appropriate authority: a.
20 unprovoked, inflicts severe injury on or kills a human being on public or private property; or b.
21 unprovoked, inflicts injuries requiring a domestic animal to be euthanized or kills a domestic animal
22 while the dog is off the owner’s property; or c. while under quarantine for rabies bites a person or
23 domestic animal; or d. was previously declared to be a potentially dangerous dog, the owner having
24 received notice of such declaration, and the dog is again found to have engaged in potentially dangerous
25 behavior; or e. is owned or harbored primarily or in part for the purpose of dog fighting or is a dog
26 trained for dog fighting; or f. unprovoked, attacks a “dog guide” or “service animal” as defined in Chapter
70.84 RCW and inflicts injuries that render the dog guide or service animal to be permanently unable to
perform its guide or service duties.
16. “Dog” means a member of the species *Canis lupus familiaris* and commonly known as the domestic
dog..
17. “Gross misdemeanor” means a crime with a maximum penalty of one year in jail, a \$5,000 fine, or
both such fine and imprisonment..
18. “Harboring” means knowingly providing food or shelter to an animal.
19. “Humane trap” means a live animal box enclosure trap designed to capture and hold an animal
without injury.
20. “Impound” means to receive into the custody of the animal shelter or into the custody of the City
animal control officer.
21. “Infraction” means a civil infraction pursuant to Infraction Rules for Courts of Limited Jurisdiction
 (“IRLJ”) and any local rule adopted thereto by the Tacoma Municipal Court.
22. “Livestock” means all cattle, sheep, goats, or animals of the bovidae family; all horses, mules, llamas,
 alpacas, other hoof animals, or animals of the equidae family; all pigs, swine, or animals of the suidae
 family; and ostriches, rhea, and emu.
23. “Misdemeanor” means a crime with a maximum penalty of 90 days in jail, a \$1,000 fine, or both such
 fine and imprisonment.
24. “Owner” means any person, firm, corporation, organization, trust, or partnership possessing,
 harboring, keeping, having an interest in, or having control, custody, or possession of an animal.
25. “Person” shall include any person, partnership, corporation, trust, or association of persons.
26. “Police dog.” The definition of “police dog” in RCW 4.24.410, including all future amendments,
 additions, or deletions, is adopted by reference.



1 27. "Potentially dangerous dog" means any dog which: a. unprovoked, bites or injures a human or domestic animal on public or private property; or b. unprovoked, chases or approaches a person or domestic animal upon the streets, sidewalks, or any public or private property in a menacing fashion or apparent attitude of attack; or c. has a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of humans or domestic animals.

2 28. "Poultry" means domestic fowl normally raised for eggs or meat, and includes chickens, turkeys, ducks, and geese.

3 29. "Proper enclosure" means a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the animal. An animal that is securely confined indoors is also within a "proper enclosure."

4 30. "Securely enclosed and locked" means a pen or structure which has secure sides and a secure top suitable to prevent the entry of young children and designed to prevent the animal from escaping. If the pen or structure has no bottom secured to the sides, then the sides must be embedded in the ground no less than one foot.

5 31. "Severe injury" means any physical injury that results in (a) broken bones, (b) muscle, ligament, or tendon tears, (c) skin lacerations or puncture wounds which require sutures or surgery, or (d) transmission of an infectious or contagious disease.

6 32. "Unconfined" means not securely confined indoors or in a securely enclosed and locked pen or structure upon the premises of the person owning, harboring, or having the care of the animal. The present tense shall include the past and future tense, and the future the present. Each gender shall include all genders. The singular number shall include the plural, and the plural the singular.

7 ***

8 **17.01.040 Probable cause to impound animal.**

9 Any law enforcement or animal control officer having probable cause to believe that any person has violated any provision of this title by reason of his or her animal's misconduct may impound or cause to be impounded any such animal. Such impoundment shall be subject to all other sections of this title and all other municipal laws, including, but not limited to, Chapter 17.04, "Potentially Dangerous Dog," and Chapter 5.36, "Rabies Control." When a law enforcement or animal control officer has probable cause to believe a dog is a dangerous dog, he or she shall impound the dog. Such dog shall be held in the [animal](#) shelter or a secure veterinary hospital until a hearing is held to determine the dog's status or the deadline for requesting such a hearing has passed. When a law enforcement or animal control officer has probable cause to believe a dog is a potentially dangerous dog, he or she may impound the animal. The law enforcement or animal control officer may require that such dog be held in the [animal](#) shelter or a secure veterinary hospital until a hearing is held to determine the animal's status or the deadline for requesting such a hearing has passed.

10 **17.01.050 Notice of impounding animal.**

11 Upon the impoundment of any animal under the provisions of this title, the animal control officer or [animal](#) shelter shall notify the owner, if the owner is known, of the impounding of such animal and the terms upon which said animal can be redeemed. The notifying of any person over the age of 18 who resides at the owner's domicile or mailing the notice to the address given to the Finance Department at the time the animal was licensed shall constitute actual notice to the owner. If the owner of said animal so impounded is unknown, then the Animal Control officer or [animal](#) shelter shall make a reasonable effort to locate and notify the owner of the animal.

12 ***

13 **17.01.080 Redemption of dogs.**

14 Unless otherwise specifically provided in this title, the owner of any dog impounded under this title may redeem said dog within 48 hours from time of impounding by paying the appropriate redemption fee to the [animal](#) shelter, if the animal is in the animal shelter; otherwise, to the City. For the first impound within a one-year period, the redemption fee is \$25; for the second impound within a one-year period, the redemption fee is \$50; for the third and subsequent impounds within a one-year period, the redemption



1 fee is \$75. In addition to the redemption fee, the redeemer shall pay as a boarding charge for the caring
2 and keeping of such dog the sum of \$6 per day for each day, including the first and last days that the dog
3 is retained by the animal shelter and any licensing fees and penalties related to licensing. All fees and
4 charges must be paid prior to redeeming the dog. A dog may not be redeemed unless it is properly
5 licensed. If an impounded dog is not redeemed by the owner within 48 hours, then any person may
6 purchase it within the next 48 hours by complying with the animal shelter's purchase provisions. In case
7 such dog is not redeemed within 96 hours of impoundment, it may be humanely euthanized or otherwise
8 disposed of within the discretion of the animal shelter.

4 **17.01.090 Redemption of livestock.**

5 The owner of livestock impounded under this title may redeem said livestock within 48 hours from time
6 of impounding by paying a redemption fee of \$35 per animal for small livestock (i.e., goats, sheep, swine,
7 ostriches, rhea, emu, etc.) and a redemption fee of \$75 per animal for large livestock (i.e., cattle, horses,
8 mules, llamas, etc.) to the [animal](#) shelter, if the animal is in the animal shelter; otherwise, to the City. In
9 addition, the cost of a private livestock hauler, if one is used, is to be paid at the time of redemption. In
10 addition to the redemption fee, the redeemer shall pay as a boarding charge for the caring and keeping of
11 such animal the sum of \$6 for each day, including the first and last days that the animal is cared for at the
12 animal shelter. The livestock may be cared for by a private boarding facility, in which case that facility's
13 boarding fees shall be paid to the City at the time of redemption.

10 **17.01.100 Redemption of animals other than dogs and livestock.**

11 The owner of any animal other than a dog or livestock impounded under the provisions of this title may
12 redeem it within 48 hours from the time of impounding by paying a redemption fee of \$15 to the [animal](#)
13 shelter, if the animal is in the animal shelter; otherwise, to the City. In addition to the redemption fee, the
14 redeemer shall pay as a boarding charge for the caring and keeping of such animal the sum of \$4 per day
15 for each day, including the first and last days that the animal is retained by the animal shelter. All fees
16 and charges must be paid prior to redeeming a cat. A cat may not be redeemed unless it is properly
17 licensed. If such animal is not redeemed by the owner within 48 hours, it may be humanely euthanized or
18 otherwise disposed of at the discretion of the animal shelter; provided, however, at the discretion of the
19 animal shelter, any animal so impounded less than two months of age may be humanely euthanized or
20 otherwise disposed of at any time after impounding.

15 **17.01.110 Mandatory spay/neuter for impounded dogs and cats – exception.**

16 A. No unaltered dog or cat that is impounded more than once in any 12-month period may be redeemed
17 by any person until the animal is spayed or neutered. The alteration shall be accomplished by the [animal](#)
18 shelter or by any duly licensed veterinarian in Pierce County authorized by the [animal](#) shelter. In all
19 cases, the veterinarian fees shall be paid at the time of redemption by the animal's owner. B. Exceptions.
20 The alteration shall not be required upon a showing of proof of alteration from a licensed veterinarian.
21 The alteration shall not be required if the owner or other person redeeming the animal provides a written
22 statement from a licensed veterinarian stating that the spay or neuter procedure would be harmful to the
23 animal.

20 * * *

21 **17.01.130 Conditions of release.**

22 The animal control authority may refuse to release to its owner any animal that has been impounded more
23 than once in a 12- month period unless the owner demonstrates that he or she has taken steps to
24 reasonably ensure that the violation will not occur again. The [animal](#) shelter or the animal control
25 authority may impose reasonable conditions that must be satisfied by the owner before release of the
26 animal, including conditions assuring that the animal will be confined. Failure to comply with the
conditions of release is a violation.



17.01.140 Injured or diseased animals.

Any animal suffering from serious injury or disease may be humanely euthanized by the [animal](#) shelter or City; provided, that the [animal](#) shelter or City shall immediately notify the owner if the owner is known. The [animal](#) shelter and City have no obligation to determine the owner of such animal if the animal is not wearing a license or other identification or is not microchipped.

* * *

17.01.166 Adequate care for animals.

A. “Adequate care” means providing the following to animals:

1. Food that is sufficient to sustain the animal in containers designed and situated to allow the animal easy access to the food;

2. Clean water of sufficient quantity for the animal in containers that cannot spill; and

3. Shelter that keeps the animal in a healthful, sanitary, dry, and safe condition, and allows the animal to turn around freely, sit, stand, and lie without restriction, and by application does not cause injury, disfigurement, or physical impairment to the animal.

B. It is a violation for an owner to fail to provide adequate care to his or her animal.

* * *

**Chapter 17.04
DANGEROUS DOGS AND POTENTIALLY DANGEROUS DOGS**

Sections:

17.04.010 Repealed.

17.04.020 Repealed.

17.04.030 Declaration of dogs as dangerous or potentially dangerous – procedure.

17.04.031 Hearing procedure – Dangerous Dogs.

17.04.032 Hearing Procedure – Potentially Dangerous Dogs.

17.04.033 Failure to remove dangerous dog from City of Tacoma.

17.04.040 Permits and fees.

17.04.050 Confinement of dangerous dog or potentially dangerous dogs.

17.04.060 Notification of status of potentially dangerous dog.

17.04.070 Confiscation and destruction of potentially dangerous dog

17.04.080 Penalty for violation as to potentially dangerous dog – misdemeanor.

17.04.090 Penalty for violation as to dangerous dog – gross misdemeanor.

* * *

17.04.030 Declaration of dogs as dangerous or potentially dangerous – procedure.

A. The City animal control supervisor shall classify potentially dangerous dogs and dangerous dogs. The City animal control supervisor may find and declare a dog dangerous if an animal control officer has probable cause to believe that the dog falls within the definitions set forth in Section 17.01.010. A above. The City animal control supervisor may find and declare a dog potentially dangerous if an animal control officer has probable cause to believe that the dog falls within the definitions set forth in Section 17.01.010 above. The finding must be based upon:

1. the written complaint of a citizen; or

2. any dog bite report filed with the [animal](#) shelter or City; or

3. actions of the dog witnessed by any animal control officer or law enforcement officer; or

4. other substantial evidence.



1 B. The declaration of dangerous dog or potentially dangerous dog shall be in writing and shall be served
2 on the owner in one of the following methods:

- 1 1. certified and regular mail to the owner's last known address; or
- 2 2. personally.

3 C. The declaration shall state at least:

- 3 1. a description of the dog;
- 4 2. the name and address of the owner of the dog, if known;
- 5 3. the whereabouts of the dog, if it is not in the custody of the owner;
- 6 4. a summary of the facts upon which the declaration of dangerous or potentially dangerous dog is based,
7 including the definition of dangerous or potentially dangerous under which the declaration is being made;
- 8 5. the availability of a hearing in case the person objects to the declaration, if a request is made within ten
9 days of the date of personal service or mailing or first publication;
- 6 6. a summary of the restrictions placed on the dog as a result of the declaration; and
- 7 7. a summary of the potential penalties for violation of the restrictions, including the possibility of
8 destruction of the animal and imprisonment or fining of the owner.

10 **17.04.031 Hearing procedure – Dangerous Dogs.**

11 A. If the owner of the dog wishes to object to the declaration, he or she may request a hearing before the
12 Hearing Examiner of the City by filing a written request for hearing, along with payment of the required
13 fee and proof of a current valid pet license for the dog, to the office of the Hearing Examiner within ten
14 days of service of the declaration that the dog is dangerous. The appeal fee shall be \$100. No person other
15 than the dog's owner may object to the declaration.

16 B. Hearings shall be conducted in accordance with TMC 1.23 of the municipal code and the Hearing
17 Examiner's Rules of Procedure. The animal control authority shall bear the burden of proving that the
18 dog is dangerous by a preponderance of the evidence.

19 C. Any dog declared to be dangerous must, after the exhaustion of any appeal, be humanely euthanized.
20 Upon application of the owner, however, a dangerous dog may be either (1) sent at the owner's expense
21 to a secure animal shelter and maintained at all times in compliance with RCW Chapter 16.08; or (2)
22 removed from the City and maintained at all times in compliance with RCW Chapter 16.08 at the owner's
23 expense. The owner is responsible for paying all fees owed to the City for the care of the animal. The
24 owner shall bear the burden to establish that an animal shelter is available that meets the criteria for a
25 secure animal shelter, that the animal shelter will accept the animal, and that the owner is willing and able
26 to pay all expenses for transporting the animal.

20 D. If the Hearing Examiner finds a dog to be dangerous, the Hearing Examiner shall enter an order so
21 stating and shall direct that the dog be humanely euthanized. The Hearing Examiner will consider
22 directing that a dog be sent to a secure animal shelter or removed from the City and maintained at all
23 times in compliance with Chapter 16.08 RCW only upon request of the owner.

23 1. The owner shall bear the burden to establish (1) that an animal shelter is available that meets the
24 criteria for a secure animal shelter, that the animal shelter will accept the dog, and that the owner is
25 willing and able to pay all expenses for transporting the dog and maintaining the dog; or (2) that the dog
26 can be maintained at all times in compliance with Chapter 16.08 RCW in a location outside the City and
that the owner is willing and able to pay all expenses for transporting the dog and maintaining the dog.

2. To meet his or her burden, the owner must provide the Hearing Examiner with (1) proof that all
conditions required Chapter 16.08 RCW and all other conditions required by state or local law for



1 maintaining a dangerous animal have been met; (2) written proof that the animal control authority in the
2 jurisdiction to which the animal is being moved has been informed of the relocation; (3) written proof that
3 the animal control authority in the jurisdiction to which the animal is being moved has consented to the
4 relocation; (4) written agreement by the dog's owner to indemnify and hold the City harmless from any
5 and all future liability including any and all claims, demands, damages, liabilities, causes, suits or action
6 of any kind or nature whatsoever relative to past or future care and custody of the animal and to the dog's
7 future behavior. If any of the above requirements are not met, the dog shall not be released and shall be
8 humanely euthanized. The dog's owner is responsible for all boarding fees between the issuance of the
9 Hearing Examiner's Order declaring the dog to be dangerous and the time it is determined that the dog
10 will or will not be released to a secure animal shelter or location out of the City.

11 E. A conviction for possessing a dangerous dog may not be appealed under this section.

12 **17.04.032 Hearing Procedure – Potentially Dangerous Dogs.**

13 A. If the owner of the dog wishes to object to the declaration, he or she may request a hearing before the
14 Hearing Examiner of the City by filing a written request for hearing, along with payment of the required
15 fee and proof of a current valid pet license for the dog, to the office of the Hearing Examiner within ten
16 days of service of the declaration that the dog is dangerous. ~~The appeal fee shall be \$100.~~ No person other
17 than the dog's owner may object to the declaration.

18 B. Hearings shall be conducted in accordance with TMC 1.23 and the Hearing Examiner's Rules of
19 Procedure. The animal control authority shall bear the burden of proving that the dog is potentially
20 dangerous by a preponderance of the evidence.

21 C. If the Hearing Examiner finds the dog is potentially dangerous, he or she may, in addition to the
22 requirements of this chapter, impose any additional conditions of confinement set forth in RCW 16.08, as
23 now exists or as may be amended hereafter, including, but not limited to, posting of warning signs and
24 maintenance of liability insurance coverage. The Hearing Examiner shall order that a potentially
25 dangerous dog be spayed or neutered.

26 * * *

17.04.050 Confinement of dangerous dog or potentially dangerous dogs.

A. When a dog is declared a dangerous dog, the dog shall be impounded. Such dog shall be held in the
animal shelter or a secure veterinary hospital until a hearing is held to determine the dog's status or the
deadline for requesting such a hearing has passed. The owner of a dog that is declared dangerous shall
immediately surrender the dog to an animal control officer or police officer. Refusal to surrender a dog
that is declared dangerous to an animal control officer or police officer is a gross misdemeanor.

B.

1. When a dog is declared a potentially dangerous dog, the dog may be impounded. The law enforcement
or animal control officer may require that such dog be held in the animal shelter or a secure veterinary
hospital until a hearing is held to determine the animal's status or the deadline for requesting such a
hearing has passed. If a dog declared potentially dangerous is not impounded, the owner shall comply
with all requirements imposed by the animal control authority. The owner of a dog that is declared
potentially dangerous shall immediately surrender the dog to an animal control officer or police officer
upon the order of that officer. Refusal to surrender a dog that is declared potentially dangerous to an
animal control officer or police officer is a misdemeanor.

2. From the date of initial declaration of potentially dangerous dog by the City animal control supervisor,
unless and until said declaration shall be rescinded, the owner must keep the dog confined in a proper
enclosure that is securely enclosed and locked, unless the dog is securely leashed and humanely muzzled
or otherwise securely restrained.



1 C. From the date of initial declaration of potentially dangerous by the City animal control supervisor,
unless and until said declaration shall be rescinded and the restrictions imposed thereby annulled, it shall
be unlawful for any person to allow or permit such dog to:

2 1. be unconfined on the premises of such person; or
3 2. go beyond the premises of such person unless such dog is securely leashed and humanely muzzled or
otherwise securely restrained.

4 3. The animal control authority may impose any additional restrictions contained in RCW 16.08 for
dangerous or potentially dangerous dogs, as now exists or as may be amended hereafter.

5 D. Any potentially dangerous dog shall be confiscated by the City if the dog is not confined as set forth
herein. The owner is subject to boarding charges as set forth in Section 17.01.080, in addition to all
penalties set forth in this chapter.

6 E. These requirements take effect immediately upon notification that the dog is declared potentially
dangerous and remain in force during any appeal of a declaration that a dog is potentially dangerous.

7 F. This section also applies to any dog declared potentially dangerous under any prior ordinance and prior
8 to the effective date of this ordinance. Any dog declared dangerous prior to the effective date of this
ordinance must comply with all conditions imposed by the animal control authority.

9 * * *

10 **Chapter 17.06**
11 **PROBLEM PET OWNERS**

12 Sections:

13 17.06.010 Problem pet owners – Definitions.

14 17.06.020 Problem pet owners – Revocation of license.

15 17.06.030 Confinement of pets owned by a problem pet owner.

16 17.06.040 Hearing procedure – Revocation of License.

17 17.06.050 Possessing, harboring, or owning animal by problem owner – Misdemeanor.

18 * * *

19 **17.06.030 Confinement of pets owned by a problem pet owner.**

20 A. Upon service of a Notice of Problem Pet Owner, the pets and animals owned by a person declared to
21 be a problem pet owner may be impounded if the Animal Control Supervisor determines that
impoundment is in the interests of public safety or the health and welfare of the animals. Upon such a
22 determination by the Animal Control Supervisor, an animal control officer or police officer may require
23 that such animals be held in the [animal](#) shelter or a secure veterinary hospital until a hearing is held to
24 determine the animal's status or the deadline for requesting a hearing regarding the declaration of
25 problem pet owner has passed. The owner shall immediately surrender the animals to an animal control
officer or police officer upon the order of that officer. Refusal by any person to surrender an animal
owned by a person declared to be a problem pet owner to an animal control officer or police officer is a
misdemeanor.

B. If animals owned by a person declared to be a problem pet owner are not impounded, the owner shall
comply with all requirements imposed by the animal control authority. Failure to comply with all
requirements is a violation. It is a separate violation for each animal and each day of non-compliance.

C. In addition to the above requirements, upon the determination by the Hearing Examiner that a person
is a problem owner, the problem owner will immediately surrender all animals in his or her possession to
an animal control officer or police officer. Refusal by any person to surrender an animal owned by a
person declared to be a problem pet owner to an animal control officer or police officer is a misdemeanor.

17.06.040 Hearing procedure – Revocation of License.

A. If the owner wishes to object to the revocation of a pet license, he or she may request a hearing before
the Hearing Examiner of the City by filing a request for hearing [along with payment the required fee to](#)



with the office of the Hearing Examiner within ten days of service of the notice of revocation. ~~The appeal fee shall be \$100.~~

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B. Hearings shall be conducted in accordance with TMC 1.23 and the Hearing Examiner's Rules of Procedure. The animal control authority shall bear the burden of proving by a preponderance of the evidence that the owner is a problem pet owner as defined in this chapter.

C. A finding of committed on a civil infraction or a judgment of guilty in a criminal case is dispositive that a violation occurred and no additional evidence is necessary to prove that violation. A violation also may be proved through the testimony of witnesses, photographs, or other evidence admitted by the Hearing Examiner.

D. If the Hearing Examiner finds that the owner is a problem owner as defined in this chapter, he or she shall revoke the licenses of all pets licensed to the owner and order that all pets licensed to the owner be impounded by the animal control authority. Upon such a finding, the Hearing Examiner shall order that the owner is prohibited from licensing any pet in the City for a period of 24 months. Any pets impounded under these circumstances may not be returned to any person residing at the same address as the problem owner.

* * *



ORDINANCE NO. 28272

1 AN ORDINANCE relating to the Hearing Examiner; amending Chapters 1.23, 2.01,
2 8.23, 8.30, and 8.122 of the Tacoma Municipal Code to align all appeal rights
3 under the jurisdiction of the Hearing Examiner relating to public nuisance
4 vehicles, public nuisances, noise enforcement, and the Minimum Building
5 and Structures Code.

6 WHEREAS the Community Services Division, Code Compliance Section,
7 ensures compliance with various chapters of the Tacoma Municipal Code (“TMC”),
8 and

9 WHEREAS part of the compliance process is the issuance of a Notice of
10 Violation, which outlines specific Code violations for responsible parties, and

11 WHEREAS responsible parties are given the right to appeal the Notice and
12 subsequent penalties, and TMC Chapters 8.23, 8.30, 8.122, and 2.01 outline
13 appeal rights and direct such appeals to the Hearing Officer, and

14 WHEREAS the term “Hearing Officer” is defined differently in
15 TMC Chapters 8.23, 8.30 and 2.01, and is not defined in TMC 8.122, and the
16 varying definitions add confusion to the process for those wishing to appeal, and

17 WHEREAS, in order to provide a clear and consistent process for appeals,
18 Community Services staff is recommending that these chapters be amended to
19 have all appeals heard through the Hearing Examiner, and

20 WHEREAS this amendment would include changes to TMC 1.23, to expand
21 the jurisdiction of the Hearing Examiner; Now, Therefore,
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BE IT ORDAINED BY THE CITY OF TACOMA:

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Section 1. That Section 1.23.050 of the Tacoma Municipal Code is hereby amended as set forth in the attached Exhibit "A."

Section 2. That Chapter 2.01 of the Tacoma Municipal Code is hereby amended as set forth in the attached Exhibit "B."

Section 3. That Chapter 8.23 of the Tacoma Municipal Code is hereby amended as set forth in the attached Exhibit "C."

Section 4. That Chapter 8.30 of the Tacoma Municipal Code is hereby amended as set forth in the attached Exhibit "D."

Section 5. That Section 8.122.150 of the Tacoma Municipal Code is hereby amended as set forth in the attached Exhibit "E."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

**Chapter 1.23
HEARING EXAMINER**

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Sections:

- 1.23.010 Creation and purpose.
- 1.23.020 Hearing Examiner, Deputy Hearing Examiner, and Hearing Examiners Pro Tempore – Appointment and terms.
- 1.23.030 Hearing Examiner, Deputy Hearing Examiner, and Hearing Examiners Pro Tempore – Qualifications.
- 1.23.040 Hearing Examiner – Conflict of interest, appearance of fairness and freedom from improper influence.
- 1.23.050 Areas of jurisdiction.
- 1.23.060 Scope and standard of review.
- 1.23.070 Burden of proof.
- 1.23.080 Prehearing conference.
- 1.23.090 Report by Department.
- 1.23.100 Conduct of proceedings.
- 1.23.105 Hearing Examiner subpoenas.
- 1.23.110 Examiner's decision and recommendation – Time limits for land use matters.
- 1.23.120 Consolidated review of multiple permit applications and of environmental appeals with the underlying land use action.
- 1.23.130 Conditioning land use approvals.
- 1.23.140 Reconsideration of Hearing Examiner decisions and recommendation.
- 1.23.150 Appeal of Examiner recommendations.
- 1.23.160 Appeal of Hearing Examiner decisions.
- 1.23.170 Jurisdiction.

* * *

1.23.050 Areas of jurisdiction.

A. The Examiner shall receive and examine relevant information, conduct public hearings, maintain a record thereof, and enter findings of fact, conclusions of law, and recommendations to the City Council or other order, as appropriate, in the following matters:

- 1. Applications for rezoning of property (Chapter 13.05);
- 2. Formation of Local Improvement Districts (Chapter 10.04);
- 3. Approval of Local Improvement District assessments (Chapter 10.04);
- 4. Dangerous sidewalks proceedings (Chapter 10.18);
- 5. Petitions for street and alley vacations (Chapter 9.22);
- 6. Appeals of administrative determinations of the City Council (Section 1.06.820);
- 7. Appeals from the decision of the Landmarks Preservation Commission regarding certificates of approval (Section 42.080); and
- 8. Appeals of a decision of the City Council to remove a member of a City board, commission, committee, task force, or other multi-member body from office (Chapter 1.46).

B. In regard to the matters set forth below, the Examiner shall conduct adjudicative proceedings, maintain a record thereof, and enter findings of fact, conclusions of law, and a final decision or other order, as appropriate:

- 1. Applications for preliminary plat approval for subdivisions exceeding nine lots (Chapter 13.04);



- 1 2. Appeals from decisions of the Director of Planning and Development Services (Chapters 13.05 and 13.06);
- 2 3. Appeals from decisions of the City Engineer regarding removal of or pruning trees on City-owned property (Chapter 9.20);
- 3 4. Appeals from the decisions or order of the Health Officer regarding violations of the Infectious Waste Management Code (Section 5.04.170);
- 4 5. Appeals from the Health Officer's denial of a permit to operate a swimming pool under Chapter 5.50 (Section 5.50.030);
- 5 6. Appeals from denial or revocation of a permit for sidewalk vending (Section 6.81.120);
- 6 7. Appeals regarding determinations of unlawful discriminatory practice under the Human Rights Commission chapter (Chapter 1.29);
- 7 8. Appeals from determinations of the Chief of Police, or his or her designee, regarding Potentially Dangerous Dogs and Dangerous Dogs (Chapter 17.04);
- 8 9. Appeals arising out of the Tax and License Code (Title 6);
- 9 10. Appeals arising out of the City Environmental Code, Chapter 13.12 (Section 13.12.680);
- 10 11. Appeals arising under the City's commute trip reduction ordinance (Chapter 13.15);
- 11 12. Actions brought under the City's Whistle Blower Policy;
- 12 13. Appeals from the film production coordinator's decisions regarding productions of motion pictures within the City (Section 11.10.140);
- 13 14. Appeals from denial of special permits regarding solid waste recycling (Section 12.09.070);
- 14 15. Matters referred for adjudication by the Civil Service Board under its rules of procedure (Charter Section 6.11(c));
- 15 16. Appeals arising under the City's concurrency management ordinance (Chapter 13.16);
- 16 17. Hearing of violations of the City's Ethics Code (Chapter 1.46);
- 17 18. Appeals from the Public Works Director's determination of civil penalties or any other charge, order, requirement, decision, or determination issued by the Director or his or her staff pursuant to the sewage disposal and drainage regulations ordinance (Chapter 12.08);
- 18 19. Appeals from the Public Works Director's determination of civil penalties for violations of the solid waste ordinance and appeals arising out of the imposition by the Director, or his or her staff, of solid waste utility charges; provided, that the Hearing Examiner shall not adjudicate claims with respect to any rate set by the City Council in a rate ordinance nor hear any challenge to the rate-making process (Chapter 12.09);
- 20 20. Appeals from the decision of the Community and Economic Development Department Director denying or canceling a final Certificate of Tax Exemption under Tacoma's Mixed-Use Center Development ordinance (Chapter 13.17);
- 21 21. Appeals arising from the imposition of charges for service issued by the Department of Public Utilities, as well as those arising from disputes concerning utility service, use of watershed or other Department property, and termination of any use; provided, that the Hearing Examiner shall not adjudicate claims with respect to any rate set by the City Council in a rate ordinance nor hear any challenge to the rate-making process (Chapters 12.06 and 12.10);
- 22 23. Appeals arising out of the City's Minimum Building and Structures Code ~~for Substandard or Derelict~~ ~~properties~~ (Chapter 2.01);
- 24 24. Appeals from sign enforcement (Section 13.05.105);
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24. Applications for projects that require land use permits from the City of Tacoma as well as from a neighboring jurisdiction transferred to the jurisdiction of the Hearing Examiner in accordance with Section 13.05.040.F;

25. Appeals from Chronic Nuisance Code enforcement (Section 8.30A.080);

26. Appeals arising from a decision to deny a special street use permit, pursuant to Subtitle 16B;

27. Appeals arising from a decision to deny a telecommunications system franchise, pursuant to Subtitle 16B;

28. Appeals arising from a decision to deny a telecommunications system license, pursuant to Subtitle 16B;

29. Appeals arising from the establishment of a reimbursement assessment area and levying of a reimbursement assessment upon benefited property owners, pursuant to Chapter 35.72 RCW and applicable City ordinances;

30. Appeals from the decision of the Landmarks Preservation Commission regarding certificates of approval and decisions on demolition applications (Section 13.07.160);

31. Applications for wetland and stream development permits, wetland and stream assessments, and wetland delineation verifications in conjunction with a preliminary plat approval or reclassification.

32. Appeals regarding overpayment of wages (Section 1.12.071);

33. Administrative hearings related to the breach or termination of cable television franchises granted, pursuant to Subtitle 16A;

34. Applications for Conditional Use Permits (Table "G" of Section 13.05.020.G, Chapter 13.06);

35. Appeals from Poultry and Pigeons enforcement (Section 5.30.040);

36. Appeals from determinations related to certification and enforcement of violations for Small Business Enterprise (Chapter 1.07).

[37. Appeals arising out of the Nuisance Code \(Section 8.30\).](#)

[38. Appeals arising out of the Public Nuisance Vehicle Code \(Section 8.23\).](#)

[39. Appeals arising out of the Noise Code \(Section 8.122\).](#)



EXHIBIT "B"

**Chapter 2.01
MINIMUM BUILDING AND STRUCTURES CODE**

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- Sections:
- 2.01.010 Purpose.
- 2.01.020 Scope.
- 2.01.030 Additions, Alterations, and Change of Use.
- 2.01.040 Definitions.
- 2.01.050 Administration and Process.
- 2.01.060 Minimum Building Requirements and Repair Standards.
- 2.01.070 Unoccupied, Vacant, or Partially Secured Building Standards.

* * *

2.01.040 Definitions.

For purposes of this subsection, terms shall be construed as listed herein. Terms not specifically defined in this chapter shall be defined as in the Building Code, including future amendments. In the event of a conflict between this chapter and the Building Code, the definitions provided in the Building Code shall control.

- A. "Accessory structure" is any structure which is incidental and subordinate to the main building(s) and is located on the same property as the main building. Accessory structures may be attached to or detached from the main structure. Examples of accessory structures include garages, carports, sheds, and other similar buildings; decks, awnings, heat pumps, fences, trellises, flag poles, tanks, towers, exterior stairs and walkways, and other exterior structures on the property.
- B. "Apartment house" is any building, or portion thereof, which contains three or more dwelling units and, for the purpose of this chapter, includes condominiums.
- C. "Bathroom" is a room used for personal hygiene and which contains a water closet, a lavatory, and either a bathtub or a shower.
- D. "Building" is any structure used or intended for supporting or sheltering any use or occupancy.
- E. "Building, existing" is a building erected prior to the adoption of this chapter, and one for which a legal building permit has been issued.
- F. "Building Code" shall mean the Building Code as adopted and amended by Chapter 2.02 of the Tacoma Municipal Code.
- G. "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 a duly authorized representatives.
- H. "Carbon monoxide alarm" is a single- or multiple-station alarm intended for the purpose of detecting carbon monoxide gas and alerting occupants by a distinct audible signal.
- I. "Ceiling height" shall be the clear vertical distance from the finished floor to the finished ceiling.
- J. "Certificate of Complaint" is a document filed with the Pierce County Auditor, stating the property is in violation of Chapter 2.01 of the Tacoma Municipal Code.
- K. "City landmark" is a property that has been individually listed on the Tacoma Register of Historic Places, or that is a contributing property within a Historic Special Review or Conservation District as defined in Chapter 13.05 of the Tacoma Municipal Code.
- L. "Court" is a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.



1 M. “Derelict building or structure” means any building or structure not approved for human occupancy based on the violations outlined in Table B.

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

3 O. “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.

4 P. “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.

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

6 R. “Fire Code” shall mean the Fire Prevention Code as adopted and amended by Chapter 3.02 of the Tacoma Municipal Code.

7 S. “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.

8 T. “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 five feet from the building, between the building and a line five feet from the building.

9 U. “Graffiti” is any unauthorized writing, painting, drawing, inscription, figure, etching or scratching, 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.

10 V. “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.

11 W. “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.

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

13 ~~YX.~~ “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 by preliminary assessment for such listing by virtue of its age, exterior condition, or known historical associations, or inclusion in the City Historic Building Inventories.

14 ~~ZY.~~ “Hotel” or “motel” shall mean 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.

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

16 ~~BBAA.~~ “Infestation” is the presence of insects, rodents, vermin, or other pests to a degree that is harmful to the building, its occupants, or to neighboring properties and/or their occupants.

17 ~~CEBB.~~ “Kitchen” shall mean a room used, or designed to be used, for the preparation of food.

18 ~~DDCC.~~ “Maintenance” means keeping property in proper condition.

19 ~~EEDD.~~ “Nuisance” is a public nuisance as defined in Chapter 8.30 of the Tacoma Municipal Code.



1 ~~FFEE~~. "Occupancy" is the lawful purpose for which a building or part of a building is used or intended to be used.

2 ~~GGFF~~. "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 whose ownership interest is otherwise established,

3 ~~HHGG~~. "Partially Secured" means a portion of the building sealed to the weather or unauthorized third-party entry.

4 ~~HHH~~. "Person" is a natural person, his or her heirs, executors, administrators, or assigns, and also includes a firm, partnership, or corporation, their successors or assigns, or the agent of any of the aforesaid.

5 ~~IIII~~. "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.

6 ~~KKJJ~~. "Premises" means a lot or parcel of land, easement, or public way, including any structures thereon.

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

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

- 9 1. Motor Home. A self-motorized recreational vehicle.
- 10 2. Residential or Travel Trailer. A recreational vehicle designed to be towed by a motorized vehicle, including fifth-wheel trailers, tent trailers, or similar types of vehicles.
- 11 3. Campers. A recreational unit designed to be installed in and used while in the bed of a truck.
- 12 4. Boats on Trailers.

13 ~~NNMM~~. "Resident" is a person who lives or dwells in a residential structure or similar buildings, including, but not limited to, dwelling units, apartments, congregate care homes, state-licensed care facilities, hotels, motels, convalescent homes, and nursing homes.

14 ~~OO NN~~. "Residential property" is any property zoned exclusively for residential use or any property containing a residential structure.

15 ~~POOO~~. "Restoration" means to return a building or structure to a state of utility through alterations and/or repairs. As applied to historic structures, it includes the preservation of those portions or features that are of historical, architectural, and cultural value.

16 ~~QQPP~~. "Roof" is an exterior element of a building, sloped less than 60 degrees from the horizontal, which provides weather protection to the spaces below.

17 ~~RRQQ~~. "Secured" refers to a building which is sealed to unauthorized third-party entry.

18 ~~SSRR~~. "Sleeping room" is any room designed, built, or intended to be used for sleeping purposes.

19 ~~TFSS~~. "Smoke alarm" is a single- or multiple-station alarm responsive to smoke.

20 ~~UUUU~~. "Solid-fuel-burning device" means any device for burning wood, coal, or any other non-gaseous and non-liquid fuel.



VVUU. “Substandard Property” means any building or structure with a minimum of 50 points based on violations outlined in Tables A.

WWVV. “Unfit building or structure” means any building or structure having conditions or defects which endanger the health, safety or welfare and its occupants or the public based on the violations listed in Table C.

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

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

ZZYY. “Walls” shall be defined as follows:

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

a. Any metal or wood stud wall which supports more than 100 pounds per lineal foot of superimposed load.

b. Any masonry or concrete wall which supports more than 200 pounds per lineal foot superimposed load, or any such wall supporting its own weight for more than one story.

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

3. “Nonbearing wall” is any wall that is not a bearing wall.

4. “Parapet wall” is that part of any wall entirely above the roof line.

5. “Retaining wall” is a wall designed to resist the lateral displacement of soil or other materials.

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

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

2.01.050 Administration and Process.

- A. Initiation of Enforcement.
- B. Inspection and Evaluation of Buildings and Property.
- C. Classification of Buildings or Structures.
- D. Substandard and Derelict Building Enforcement Procedures.
- E. Derelict Building Registration.
- F. Unfit Buildings or Structures Enforcement Procedures.
- G. Recovery of Costs and Expenses.
- H. Posting of Buildings.
- I. Utility Restraints.
- J. Emergency Cases.
- K. Permits.
- L. Repeat Offenders
- M. Severability.

A. Initiation of Enforcement.

Initial enforcement may be undertaken against buildings or properties, whenever:

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

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



B. Inspection and Evaluation of Buildings and Property.

1 During the initial inspection, the Building Official shall evaluate the property in accordance with Tables A, B,
2 and C. Any violations noted will determine the classification of the building for purposes of enforcement.
3 Groups of buildings on the same property may be processed under a single complaint process.

C. Classifications of Buildings or Structures.

1. Non-Standard Property.

4 A building or structure which receives 25 to 49 violation points, as indicated on Table A, may be considered a
5 "non-standard" property. The owner may be sent a letter describing the conditions and the appropriate actions
6 for mitigating these conditions. The owner may be advised, in writing, that the property is in a declining state,
7 and that if conditions worsen, more formal mitigating actions may be undertaken.

2. Substandard Building or Structures.

7 "Substandard Building or Structures" means any building or structure, whether residential or commercial, with
8 a minimum of 50 points based on violations as outlined in Table A. By definition, Substandard Buildings or
9 Structures are fit for human occupancy. Substandard Buildings or Structures are hereby declared a nuisance
10 under Chapter 8.30.

3. Derelict Buildings or Structures.

10 a. "Derelict Buildings or Structures" means any building or structure, whether residential or commercial,
11 which is not approved for human occupancy based on one or more of the violations outlined in Table B.

11 b. Derelict Buildings or Structures shall be posted "MUST NOT BE OCCUPIED." See Subsection H, Posting
12 of Buildings. Utility restraints may be placed on such buildings or structures. See Subsection I, Utility
13 Restraints. Derelict Buildings which are posted shall not be occupied for any purpose until repaired. The
14 Derelict Building shall only be authorized to be entered for preparing a repair plan and schedule to be
15 submitted to the Neighborhood and Community Services Department for approval. Upon approval of the
16 repair plan and schedule, the owner, or his or her representative, will be authorized to enter the building to
17 effect repairs. No other entry or occupancy of the building shall be permitted unless approved by the Building
18 Official.

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

4. Unfit Buildings or Structures.

18 a. "Unfit Buildings or Structures" means any building or structure, whether residential or commercial, having
19 conditions or defects which endanger the health, safety, or welfare and its occupants or the public based on the
20 one or more of the violations listed in Table C.

20 b. Unfit Buildings or Structures shall be posted "MUST NOT BE OCCUPIED." See Subsection H, Posting of
21 Buildings. Utility restraints shall be placed on such buildings or structures. See Subsection I, Utility Restraints.
22 Unfit Buildings which are posted shall not be occupied for any purpose until repaired. The building shall only
23 be authorized to be entered for preparing a repair plan and schedule to be submitted to the Neighborhood and
24 Community Services Department for approval. Upon approval of the repair plan and schedule, the owner, or
25 his or her representative, will be authorized to enter the building to perform the repairs. No other entry or
26 occupancy of the building shall be permitted until the repairs are completed and approved by the Building
27 Official.

D. Substandard and Derelict Building Enforcement Procedures.

1. Owner Notification.

25 a. When any property has been classified as being "Substandard" or "Derelict," the owner shall be notified by
26 first-class mail, describing the violations. The owner shall be given 21 calendar days from the date of the
notice to respond to the Building Official to negotiate a repair plan and schedule as outlined in subsection D.2.



1 b. If the building is classified as “Derelict,” the owner may be given ten calendar days from the date of the
2 notice to secure the building in accordance with Section 2.01.070, Unoccupied or Vacant or Partially Secured
3 Building Standards. In addition, such notification will state that either an Eminent Domain Condemnation
4 Proceeding, Unfit Building Proceeding or a Derelict Building Property Registration may be initiated as
5 authorized by this chapter.

6 c. The owner shall also be given 21 calendar days from the date of the notice to respond to the Building
7 Official to negotiate a repair plan and schedule as outlined in section D.2 below.

8 d. When a building or structure, or any aspect of a building or structure, is declared Substandard or Derelict, it
9 shall be repaired to the minimum building requirements set forth in Section 2.01.060.

10 2. Response to Notification.

11 The response to the City shall be the development of a repair plan and schedule for the building repairs, agreed
12 upon by the owner and the City. The schedule shall include:

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

15 b. Time for repairing the building or structure once a building permit has been issued. Once the plans and
16 specifications have been approved for permitting, the permit shall be obtained within seven calendar days of
17 notification that the permit is ready.

18 c. If permits are not required, the repair plan and schedule shall outline when the violations identified in the
19 Substandard or Derelict Property Report will be corrected.

20 EXCEPTION:

21 The Building Official may grant extensions to the repair plan and schedule or agree to an alternative repair
22 plan and schedule for sufficient reasons, upon written request. Such requests must be filed with the Building
23 Official prior to the deadlines set for the completion of the construction.

24 3. Penalties and Certificate of Complaint.

25 a. In the event a valid response to the first notice is not timely received, a civil penalty in the amount of \$250
26 may be assessed. These penalties are intended to be only for remedial purposes. A new letter stating the
assessment of penalties shall be sent by first-class mail. The owner shall be given ten calendar days from the
date of the second letter to respond and to negotiate a repair plan and schedule with the Neighborhood and
Community Services Department for correcting the violations.

b. The process described above may be repeated and a civil penalty 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 or exceed
\$500, the City 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.

c. Penalties shall be billed to the owner. Penalties unpaid after 60 calendar days may be referred to a collection
agency for collection.

d. 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.

e. Reinspection and Penalties. Once a valid response is received and a schedule is set, the property shall be
reinspected upon request by the owner to assess that progress is being made in correcting the violations and
adhering to the agreed-upon schedule. If progress, in accordance to the schedule, is not being made to the
satisfaction of the Building Official, or the owner has not scheduled a required inspection, penalties may be
issued up to \$250 per day.

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

i. the owner fails to submit a repair plan and schedule; or



- ii. the owner and the City cannot agree upon a repair plan and schedule, or extension thereto, or
- iii. the owner fails to adhere to the repair plan and schedule.

g. This penalty procedure shall be repeated in accordance with this section until satisfactory progress is made.

4. Violations Corrected.

Once the building, structure, and property violations have been corrected to the satisfaction of the Building Official, the case shall be closed and any Certificates of Complaint filed with the Pierce County Auditor against the title of the property shall be removed by the City upon payment of any assessed penalties and any costs incurred by the City for securing the property. The costs related to a Derelict Building case, where the building or structure is not approved for occupancy, shall be recovered pursuant to Revised Code of Washington ("RCW") 35.80.030(1)(h) and subsection G.

5. Reviews by the Building Official.

a. General. Any person who receives a Notice of Violation for a Substandard or Derelict Building(s) or a civil penalty may request an administrative review of the notice or penalty.

An appeal of a civil penalty 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. A person may request an administrative review by the Building Official by filing a written request with the Neighborhood and Community Services Department within:

- i. 21 calendar days of the first notification date of violations for a Notice of Violation for substandard building or property, or
- ii. ten calendar days of a Notice of Violation for a derelict building or property.
- iii. ten calendar days of a notice of a civil penalty.

In any appeal, the request must include all reasons and supporting documentation as to why the notice should be overturned and/or modified.

c. Decision of the Building Official. After considering all of the information provided, including information from the code compliance officer and the owner, the Building Official shall affirm or modify the Notice of Violation for the Substandard or Derelict Building(s), or the amount of any monetary penalty assessed. The Building Official's decision shall be delivered in writing to the appellant by first-class mail.

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

Appeals of the decision resulting from the Building Official's review shall be made to the Hearing Examiner within 21 calendar days from the date of the Building Official's decision. Proceedings in regard to appeals filed with the Hearings Examiner shall be conducted in accordance with the requirements of Tacoma Municipal Code 1.23 and the Office of the Hearing Examiner Rules of Procedure for Hearings.

7. Alternate Procedures.

a. Where Substandard Building proceedings undertaken against a property have extended over a period of time to where it is necessary to file a Certificate of Complaint with the Pierce County Auditor and when the owner has not otherwise complied with this chapter, the Building Official may remove or correct the violations through a means of abatement.

i. Using any lawful means, the City may enter unsecured property and may remove or correct a violation which is subject to abatement as a public nuisance. If the person in control of the premises does not consent to entry, the City may seek judicial process in Pierce County Superior Court to effect the removal or correction of such violations.



1 ii. Abatement undertaken on properties regulated under Tacoma Municipal Code 13.07 shall be reviewed and approved by the Tacoma Landmarks Preservation Commission in accordance with the provisions of Tacoma Municipal Code 13.07 prior to abatement.

2 iii. The City may recover costs of abating Substandard Property. An invoice for abatement costs shall be mailed to the owner of the property over which a Substandard Notice of Violation has been directed and/or the party identified in the Notice of Violation, and shall become due and payable to the City of Tacoma within 30 calendar days of said invoice. An owner may appeal an invoice for abatement and shall follow the procedures outlined in Section 2.01.050.D.5. Any debt shall be collectible in the same manner as any other debt owed to the City, and the City may pursue collection of the costs of any abatement proceedings under this chapter by any other means, including, but not limited to, referral to a collection agency.

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5 b. Where Derelict Building proceedings undertaken against a property have extended over a period of time to where it is necessary to file a Certificate of Complaint with the Pierce County Auditor, the Building Official may undertake one or more of the following procedures to mitigate the derelict status of the building:

6
7 i. The Building Official may obtain the property through eminent domain pursuant to the provisions of the RCW 35.80A.

8
9 ii. The Building Official may initiate Unfit Building Proceedings pursuant to Tacoma Municipal Code 2.01.050.F and Table C.

10
11 iii. The Building Official shall require the property to be registered with the City as outlined in the registration requirements in Section E.

12 E. Derelict Building Registration.

13 1. The owner of a Derelict Building with a Certificate of Complaint filed with the Pierce County Auditor must register the building within ten calendar days of the date of the Certificate of Complaint. The Derelict Building will be considered to be registered on the date the City receives a properly completed form signed by the owner. The form, provided by the Building Official, shall contain the following information:

14 a. The street address and tax parcel number of the Derelict Building.

15 b. The name, address, and daytime and evening telephone numbers of the owner or a responsible person for the property, including other parties of interest;

16 c. The period of time the property is expected to remain vacant;

17 d. Any other information requested by the Building Official for the administration of this chapter.

18 e. A statement which acknowledges the building is a Derelict Building subject to the provisions of this chapter, including the vacant building standards as outlined in Section 2.01.070, and that the property must remain nuisance-free at all times.

19 2. For every registered Derelict Building, the owner must record a notice with the Pierce County Auditor that the Derelict Building is registered with the City. The City shall provide the form of the notice. A copy of the recorded notice must be received by the City no later than 30 days from the date the Derelict Building is registered.

20 3. The owner must submit the annual renewal application to the City on forms provided by the Building Official.

21 4. Upon satisfactory proof to the Building Official that the Derelict Building is repaired, the building will be unregistered.

22 5. The owner shall pay a registration fee for each registered Derelict Building. The owner must pay the annual fee to the City at the time the Derelict Building is registered and on the annual anniversary date of the initial registration. The fee will be based on the duration of the vacancy as determined by the following scale:

23 a. \$250 for the initial registration;

24 b. \$500 on the annual anniversary date;



1 6. If the owner fails to timely pay the registration fee, the City is authorized to collect the registration fee, including turning the matter over to a collection agency, in which case costs incurred by the City as a result of the collection process will be assessed to the owner.

2 7. The owner of any registered Derelict Building shall advise the Building Official, in writing, of any changes to the contact information on the registration form within 30 calendar days of the occurrence of the change.

3 F. Unfit Buildings or Structures Enforcement Procedures.

4 1. Owner Notification. The owner shall be notified that the building, structure, or property has been found to be in violation of this chapter and is unfit. The owner may be given ten calendar days from the date of the notice to secure the building in accordance with Section 2.01.070, Unoccupied, Vacant, or Partially Secured Building Standards. The notice shall include the standards for securing a vacant building. Where there is an imminent danger to life or property, the building can be secured by the order of the Building Official, Police Chief, Fire Chief, or Director of the Tacoma-Pierce County Health Department, or their duly authorized representative. The costs related to the Unfit Building action will be assessed to the owner in accordance with the provisions of RCW 35.80.030(1)(h), and Subsection G.

8 2. Response to Notification. The owner shall be given 21 calendar days from the date of the notice to respond to the Building Official to negotiate a repair or demolition plan and schedule. The schedule shall include:

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

10 b. Time for actually repairing or demolishing the building or structure once a building permit has been issued. Once acceptable construction plans, specifications, and calculations for the repair or demolition of the building or structure have been submitted to the City and have been approved for permit, the permit shall be obtained within seven calendar days of notification that the permit is ready.

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

14 The Building Official may grant extensions to the time schedule for sufficient reasons, upon written request. Such requests must be filed with the Building Official prior to the deadlines set for the completion of the repairs or demolition.

16 3. Unfit Building Complaint. In the event of any of the following, the City may prepare an Unfit Building Complaint against the building and property:

17 a. The owner does not respond to the notification.

18 b. An agreement between the owner and the City for the schedule of repairs or demolition cannot be reached.

19 c. The owner does not comply with the time schedule for obtaining the necessary permits and beginning construction or demolition; or

20 d. The owner, once having started construction or demolition, does not adhere to the agreed-upon schedule.

21 4. Violations Corrected. Once the building, structure and property violations have been corrected, the case shall be closed and, if appropriate, any Unfit Building Complaints, Findings of Fact and Orders, or general tax liens filed with the Pierce County Auditor against the title of the property shall be removed by the City upon payment of any assessed penalties and any costs incurred by the City for securing the property or processing the Unfit Building Action.

23 5. Contents of Unfit Building Complaints.

24 a. The Unfit Building Complaint issued by the Building Official must be in writing and shall be posted on the property and sent by first-class mail and by certified mail, return receipt requested, to all persons having any interest in the property, as shown by the records of the Pierce County Auditor. If, in the exercise of reasonable diligence, the whereabouts of any of such persons is unknown and the same cannot be ascertained by the Building Official, and the Building Official makes an affidavit to that effect, the serving of such complaint upon such persons may be made by sending a copy of the notice by first-class mail and by certified mail,



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return receipt requested, to each person at the address of the taxpayer of the property as shown on the last equalized tax assessment roll of Pierce County. If the address of the building involved in the proceeding is different from the address of the taxpayer listed on the tax assessment roll and the whereabouts of any person in interest is unknown, then a copy of the complaint shall also be mailed by first-class mail and certified mail, return receipt requested, to such person or persons.

b. The complaint shall contain, among other things, the following information:

- i. Name of the owner and other interested persons, as provided herein above.
- ii. Street address and legal description of the property on which said building is located.
- iii. General description of type of building, wall, or structure deemed unfit.
- iv. A complete itemized statement or list of particulars which caused the building or structure, or portion thereof, to be classified as an unfit building or structure.
- v. That said building should be vacated by its occupants.
- vi. Whether or not the list of violations can be removed or repaired.
- vii. Whether or not the building constitutes a fire hazard.
- viii. Whether it is reasonable to repair the building or whether the building should be demolished.
- ix. If the building is a City landmark or is within a Historic Special Review or Conservation District, the complaint shall provide the procedural requirements of the Landmark Preservation Commission for repair or demolition.
- x. A notice that a hearing shall be held before the ~~Hearing Officer~~[Hearing Examiner](#) not less than ten calendar days nor more than 30 calendar days after the mailing of such complaint on all interested parties, as recorded by the Pierce County Auditor, and posted in a conspicuous place on the property. The notice shall also state 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.
- xi. 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.



6. Unfit Building Hearing.

1 a. The ~~Hearing Officer~~Hearing Examiner shall convene the hearing at the time specified in the Unfit Building
2 Complaint or soon thereafter. The hearing shall be conducted in accordance with 1.23 TMC and the Hearing
3 Examiner's rules. The City shall present its case through the City Attorney, or his or her duly authorized
4 representative, who shall be authorized to call witnesses and conduct cross-examinations. The building or
5 property owner, or his or her legal representative, may present his or her case and is authorized to present
6 witnesses and conduct cross-examinations.

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

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

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

11 iii. General description of type of building, wall, or structure deemed unfit or substandard.

12 iv. A complete itemized statement of the violations in Table C which resulted in the classification of the
13 building or structure as unfit.

14 v. Whether or not the violations as outlined in Table C structure can be removed or repaired.

15 vi. Whether or not the building constitutes a fire hazard.

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

20 viii. Whether the building is a City landmark or is within a Historic Special Review or Conservation District
21 and the procedures required by the Landmarks Preservation Commission.

22 ix. In the event the building is a City landmark or is within a Historic Special Review or Conservation District,
23 the time schedule shall include Landmark Preservation Commission procedures defined in Tacoma Municipal
24 Code 13.05.045, unless an emergency condition has been declared by the Building Official. In addition, a
25 building, structure, or property that is declared unfit may be required to comply with the requirements set forth
26 in Title 13 of the Tacoma Municipal Code. There may be reason to negotiate repairs due to the historic
significance of the property. 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.

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

xi. The order shall provide specific instructions on whether the building or structure is to be demolished,
repaired, or maintained, and a timeframe for doing so. When it is determined that a building or structure, or
any aspect of a building or structure, is unfit, such building or structure shall be:

(a) Demolished, or

(b) Those aspects which were declared unfit shall be repaired to the minimum building requirements set forth
in Section 2.01.060 of this chapter, and the following items shall be complied with, whether or not they are
addressed in the Unfit Building Complaint:

(1) Exiting facilities, including doors, corridors, stairs, exit enclosures, and smoke-proof enclosures, shall be
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 or by the Fire Prevention Code, automatic fire sprinkler systems shall be installed.

1 (4) If required by the Building Code or by the Fire Prevention Code, as adopted and amended by the City, fire
2 alarm systems shall be installed and shall meet all requirements of the Building Code and the Fire Prevention
Code.

3 (5) The building shall be brought into structural compliance with the Building Code, except that the building
4 shall be considered as complying with the seismic structural requirements if it can withstand the forces
specified by the IEBC, as adopted and amended in the Building Code.

5 (6) The building shall be brought into compliance with provisions of the Building Code related to accessibility
for new construction.

6 (7) The building shall be brought into compliance with the Washington State Energy Code, as adopted by the
7 City in Title 2, except that existing ceiling, wall, or floor cavities exposed during construction must be filled
with the required insulation. Two-by-four (2x4) framed walls shall be insulated to a minimum of R-15 and 2x6
8 framed walls shall be insulated to a minimum of R-21 as required by Title 2.

9 a. The recommendation to repair or demolish shall be based on the estimated costs of repair in relation to the
existing value of the building, as determined by the Pierce County Assessor. The Pierce County Assessor shall
10 be requested to make an assessment of the value of the building specifically for the Unfit Building action. If
the cost of repairs exceeds 50 percent of the assessed value of the building, the [Hearing Officer/Hearing
Examiner](#) may recommend that the building be demolished.

11 b. 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, and
12 posted in a conspicuous place on the property.

13 c. 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/Hearing Examiner](#) shall be made to the Board of
14 Building Appeals, as established and governed by Chapter 2.17 of the Tacoma Municipal Code. Appeals shall
be filed within 30 calendar days from the date of the Findings of Fact and Order. Any appeal of the Findings
15 and Order shall be governed by Chapter 2.17 of the Tacoma Municipal Code.

16 G. Recovery of Costs and Expenses.

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

21 H. Posting of Buildings.

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

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

25 I. Utility Restraints.

26 Unfit Buildings or structures and Derelict Buildings or structures which are not occupiable and are posted
"MUST NOT BE OCCUPIED" may have utility restraints placed on them, restraining utility providers from
providing utilities to the building. The utility restraint shall be recorded with the Tacoma Public Utilities



1 Department or other utility providers. The utility restraint shall not be released until the building is repaired or
2 demolished. Once the building has been repaired or demolished, the Building Official shall record with the
3 Tacoma Public Utilities Department, or other utility providers, a release granting utility service to the building
4 or property. The utility restraint shall not interfere with any Code enforcement action taken by the Tacoma
5 Public Utilities Department or other utility providers.

6 EXCEPTION: Limited utilities may be permitted to be supplied to the property for facilitating the repairs or
7 for maintaining other vital systems, such as fire protection, at the discretion of the Building Official.

8 J. Emergency Cases.

9 1. Where, in the opinion of the Building Official, it appears there is an imminent danger to the life or safety of
10 any person occupying or being admitted to a building or structure, or to the public, the Building Official shall
11 immediately vacate the building, in whole or in part, as is necessary to mitigate the danger to life. The Building
12 Official shall also order any of the following remedies as necessary to protect the public:

13 a. barricade of public rights-of-way to secure the building from unauthorized entry, or

14 b. cause the immediate bracing or repair of the building, or

15 c. require maintenance or restoration of essential utilities, the absence of which constitute a significant threat to
16 the adjacent properties and/or the public.

17 If the preceding remedies are not possible, the Building Official may have the building or structure
18 demolished.

19 2. For buildings that are City landmarks located within a Historic Special Review or Conservation District, or
20 are identified as "historic resources," the Historic Preservation Officer, at the direction of the Building Official,
21 shall actively pursue feasible intermediate alternatives to total demolition within the timeframe determined by
22 the Building Official that will remediate emergency condition and/or retain the building or its historic features.
23 If an alternative to demolition is identified, then it may be pursued as the preferred action.

24 3. The costs of emergency vacation, bracing, repair, or demolition of such building or structure as described in
25 this subsection shall be assessed to the owner in accordance with the provisions of RCW 35.80.030(1)(h).

26 K. Permits.

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

L. 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 times within a 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 2.01.050.D.5 of the Tacoma
Municipal Code.

M. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held invalid or
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.



EXHIBIT "C"

**Chapter 8.23
PUBLIC NUISANCE VEHICLES**

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Sections:

- 8.23.010 Purpose and intent.
- 8.23.020 Definitions.
- 8.23.030 Enforcement authority.
- 8.23.040 Declaration of nuisance.
- 8.23.050 Impoundment of unauthorized Public Nuisance Vehicle – Public property.
- 8.23.060 Notice of Violation and Abatement – Private property.
- 8.23.070 Notice of Appeal – Private property.
- 8.23.080 Hearing – Private property.
- 8.23.090 Order of the ~~Hearing Officer~~Hearing Examiner – Private property.
- 8.23.100 Appeal of the decision of the ~~Hearing Officer~~Hearing Examiner – Private property.
- 8.23.110 Removal and disposal – Costs – Liens – Private property.
- 8.23.111 Entry – Private property.
- 8.23.112 Severability.

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8.23.020 Definitions.

For purposes of this chapter, certain terms, phrases, and words, and their derivatives, shall have specific meanings, as defined in this section. Terms, phrases, and words used in the singular shall also apply to the plural; terms, phrases, and words used in the plural shall also apply to the singular.

A. "Apparently Inoperable" means:

- 1. that the Vehicle does not appear to comply with requirements for safe and legal operation on public streets or highways with regard to licensing, brakes, lights, tires, safety glass, or other safety equipment; or
- 2. a Vehicle that has been determined by the Tacoma-Pierce County Health Department to be unfit for use due to contamination from methamphetamine or other substances, which are harmful to human health or the environment; or
- 3. other circumstances or conditions that are evidence that the Vehicle is not currently operable, including, but not limited to, a Vehicle having its passenger compartment filled with trash or debris, vegetation growing inside, around, or on the vehicle, or other evidence that the vehicle has not been moved for an extended period of time.

B. "Extensively Damaged" means such damage including, but not limited to, any of the following: a broken window or windshield or missing wheels, tires, motor, or transmission.

~~C. "Hearing Officer" shall mean the City Manager, or his or her designated representative.~~

~~DC.~~ "Landowner" means the owner of the property, as shown in the records of the Pierce County Assessor.

~~ED.~~ "Law Enforcement Officer" means, for purposes of this chapter, any commissioned police officer and any person holding a limited commission to enforce this chapter or chapter 46.55 RCW.

~~FE.~~ "Public Nuisance Vehicle" is a Vehicle, or the parts of a Vehicle, which meets three of the following criteria: (1) is Extensively Damaged; (2) is Apparently Inoperable; (3) is three years old or older; and (4) has an approximate fair market value equal to the scrap value; provided, that the following shall be exempt from the foregoing definition:

- 1. The Vehicle, or parts thereof, is completely enclosed within a building; or



2. The Vehicle, or parts thereof, is stored or parked in a lawful manner on private property in connection with the legal business of a licensed dismantler; motor vehicle wrecker; licensed vehicle dealer; junk, salvage, or wrecking yard; provided, that the business is in compliance with the provisions of the Tacoma Municipal Code and the property is fenced, as required by RCW 46.80.130.

GE. “Public Official” means any official designated by the City Manager, or his or her designee, authorized to enforce this chapter, including, but not limited to, officials of the Police Department, Fire Department, Public Works Department, Finance Department, or the Tacoma-Pierce County Health Department charged with the enforcement of a particular portion of this chapter.

HG. “Vehicle” shall include, but not be limited to, automobiles, motorcycles, trucks, buses, motorized recreational vehicles, campers, travel trailers, boat trailers, utility trailers, or other similar devices capable of moving or being moved on the public right-of-way, and shall also include parts of vehicles.

* * *

8.23.060 Notice of Violation and Abatement – Private property.

A. A Public Official is authorized to issue a Notice of Violation and Abatement upon reasonable belief that a condition prohibited by this chapter exists.

B. The Notice of Violation and Abatement shall be issued to the Landowner, as shown by the records of the Pierce County Assessor, and to the last registered owner of record of the Vehicle, if that person can be determined.

C. The Notice of Violation and Abatement shall be served by mailing a copy of said notice to the Landowner and to the last registered owner of record of the Vehicle, if that person can be determined, by first-class and certified mail.

D. The Notice of Violation and Abatement shall contain substantially the following information if it is reasonably obtainable:

1. The name and address of the person to whom the notice is issued;
2. The location of the subject property by address or other description sufficient for identification of the subject property;
3. A description of the Vehicle and its location and the reasons for which the City deems it to be a public nuisance in violation of this chapter;
4. A description of the corrective action necessary to eliminate the violation;
5. The date by which the corrective action must be completed;
6. A statement that if any of the persons to whom the Notice of Violation and Abatement is issued wish to appeal said notice, they may submit a written Notice of Appeal to the City Clerk to request a hearing before the [Hearing Officer/Hearing Examiner](#).
7. A statement that if the persons to whom the Notice of Violation and Abatement is issued fail to submit a Notice of Appeal within 10 calendar days of the date of the Notice or fail to voluntarily abate the nuisance within 18 calendar days of the date of the Notice, the City will abate the nuisance by removing and disposing of the Vehicle and will assess all costs of administration and removal against the Landowner.

* * *

8.23.080 Hearing – Private property.

A. The appeal of a Notice of Violation and Abatement shall be heard by the [Hearing Officer/Hearing Examiner](#).

B. The [Hearing Officer/Hearing Examiner](#), will conduct the hearing required by this chapter no more than 18 calendar days after the Public Official issues the Notice of Hearing.

C. The hearing will address the grounds of appeal allowed in TMC 8.23.060, which were stated in the Notice of Appeal. If the [Hearing Officer/Hearing Examiner](#), determines that multiple parties share responsibility for



the nuisance, the ~~Hearing Officer~~Hearing Examiner, will allocate the assessment of costs of administration, removal, and disposal among the responsible parties.

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D. ~~The hearing shall be conducted in accordance with 1.23 TMC and the Hearing Examiner rules. An appellant may appear in person at the hearing or present a written statement to explain the grounds for appeal, which were stated in the Notice of Appeal. The Hearing Officer~~Hearing Examiner must receive the written statement in time for consideration at the hearing.

E. The City shall have the burden of proof to establish by a preponderance of the evidence that a violation has occurred and that the required corrective action is reasonable.

F. The ~~Hearing Officer~~Hearing Examiner shall determine whether the City has established, by a preponderance of the evidence that a violation has occurred and that the required corrective action is reasonable and shall affirm, modify, or vacate the Public Official’s decisions regarding the alleged violation and/or the required corrective action.

8.23.090 Order of the ~~Hearing Officer~~Hearing Examiner – Private property.

A. If affirming the Public Official’s Notice of Violation and Abatement, the ~~Hearing Officer~~Hearing Examiner may assess administrative costs or costs related to the abatement of the violator’s Vehicle. The ~~Hearing Officer~~Hearing Examiner may also order the refund of hearings fees to parties deemed not responsible for the violation.

B. If it is determined at the hearing that the Vehicle was placed on the land without the consent of the Landowner and that he or she has not subsequently acquiesced in its presence, then the ~~Hearing Officer~~Hearing Examiner order shall not assess costs of administration or removal of the Vehicle against the property upon which the Vehicle is located or otherwise attempt to collect the cost from the Landowner.

8.23.100 Appeal of the decision of the ~~Hearing Officer~~Hearing Examiner – Private property.

The decision of the ~~Hearing Officer~~Hearing Examiner shall be considered final, unless a written Notice of Appeal is filed with a court of competent jurisdiction no later than ten days after issuance of the Order of the ~~Hearing Officer~~Hearing Examiner.

8.23.110 Removal and disposal – Costs – Liens – Private property.

A. Commencing 18 calendar days after the date of the Notice of Violation and Abatement, if no appeal had been filed, or 15 calendar days after the issuance of an Order from the ~~Hearing Officer~~Hearing Examiner resulting in authority to remove the Vehicle, the Public Official shall cause the removal and disposal of the Vehicle, or part thereof, as soon as practicable. The Public Official will provide notice to the Washington State Patrol and the Washington State Department of Licensing that the Vehicle has been processed in accordance with the laws of the state of Washington. The Vehicle shall only be disposed of as scrap.

B. The City may file a lien for the cost of any abatement proceedings under this chapter and all other related costs against the real property on which the monetary penalty was imposed or any of the work of abatement was performed, except no lien shall attach to the real property if the Landowner was found not responsible in the Order issued by the ~~Hearing Officer~~Hearing Examiner. The lien shall run with the land, but shall be subordinate to all previously existing special assessment liens imposed on the same property and shall be superior to all other liens, except for state and county taxes, with which it shall be in parity. Any claim of lien shall contain sufficient information regarding the Notice of Violation and Abatement, a description of the property to be charged with the lien and the owner of record, and the total amount of the lien.

C. In addition to a lien, the City may pursue collection of the cost of any abatement proceedings under this chapter by any other lawful means, including referral to a collection agency.

* * *



EXHIBIT “D”

**Chapter 8.30
PUBLIC NUISANCES**

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Sections:

- 8.30.010 Purpose and intent.
- 8.30.020 Definitions.
- 8.30.030 Public nuisance defined.
- 8.30.040 Specific public nuisances declared.
- 8.30.045 Cannabis.
- 8.30.050 Parking of vehicles on residential property.
- 8.30.055 Abandoned property in the right-of-way.
- 8.30.060 Penalty for violation.
- 8.30.070 Emergency actions.
- 8.30.080 Notice of Violation and Abatement.
- 8.30.090 Alternative Process – Notice of Violation, civil penalty, and abatement.
- 8.30.100 Hearing by the ~~Hearing Officer~~[Hearing Examiner](#).
- 8.30.110 Abatement process.
- 8.30.120 Recovery of costs and expenses.
- 8.30.130 Hearing regarding cost of abatement.
- 8.30.140 Additional relief.
- 8.30.150 Repeat offenders.
- 8.30.160 Severability.

* * *

8.30.020 Definitions.

Unless otherwise specified, for purposes 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. Where terms, phrases, and words are not defined herein within this chapter, they shall have their ordinary accepted meaning within the context in which they are used.

A. “Abate” means to repair, replace, remove, destroy, or otherwise remedy a condition which constitutes a violation of this chapter by such means and in such a manner and to such an extent as the Public Official determines is necessary in the interest of the public health, safety, and welfare of the community.

B. “Act” shall mean anything done, being done, or to be done; performance; deed.

C. “Apparently Inoperable Vehicle” means:

- 1. that the vehicle does not appear to comply with requirements for safe and legal operation on public streets or highways with regard to licensing, brakes, lights, tires, safety glass, or other safety equipment; or
- 2. a vehicle that has been determined by the Tacoma-Pierce County Health Department to be unfit for use due to contamination from methamphetamine or other substances, which are harmful to human health or the environment; or
- 3. other circumstances or conditions that are evidence that the vehicle is not currently operable, including, but not limited to, a vehicle having its passenger compartment filled with trash or debris; vegetation growing inside, around, or on the vehicle; or other evidence that the vehicle has not been moved for an extended period of time.

D. “Attractive nuisance” shall mean any object or condition which can reasonably constitute a hazard or danger and which is accessible to unauthorized persons.

E. “Certificate of Complaint,” for purposes of this chapter, is a document filed with the Pierce County Auditor, stating that the property has been determined to be in violation of TMC 8.30.



F. "Control" means the ability to regulate, restrain, dominate, counteract, or govern property or conduct that occurs on a property.

~~G. "Hearing Officer" shall mean the City Manager, or his or her designated representative.~~

HG. "Litter" shall include, but is not limited to, debris in the form of cans, bottles, glass, ashes, plastic materials, garbage, wastepaper, packing material, scrap iron, wire, metal articles, discarded furniture and appliances, junk, broken stone or cement, scrap wood, pallets, tires, discarded building materials, inoperable bicycles, or bicycle parts, rags, boxes, crates, packing cases, mattresses, bedding, tree and vegetation trimmings, and all other trash, including abandoned inflammable materials, which are a fire hazard or a menace to the public health, safety, or welfare.

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

IJ. "Premises" and "property" may be used by this chapter interchangeably and means any building, lot, tax parcel, dwelling, rental unit, real estate, or land, or portion thereof, including, but not limited to, property used as residential or commercial property and may include the adjacent "public right-of-way" as defined herein.

KJ. "Public Official" means any official designated by the City Manager, or his or her designee, authorized to enforce this chapter, including, but not limited to, officials of the City of Tacoma, Police Department, Fire Department, Public Works Department, Finance Department, Community and Economic Development Department, or the Tacoma-Pierce County Health Department charged with the enforcement of a particular portion of this chapter.

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

ML. "Screening," for the purposes of this chapter, shall include, but not be limited to, solid wood fencing, chain link fencing with slats, and/or solid landscaping capable of concealing storage from sight by standing individuals at or near the property lines; however, such screening must be at least six feet in height.

NM. "Vehicle," except as otherwise specifically defined herein, shall include, but not be limited to, automobiles, motorcycles, trucks, motorized recreational vehicles, campers, travel trailers, boats on or off trailers, or utility trailers.

ON. "Vegetation" shall include, but not be limited to, all grass, weeds, blackberry vines, brush, shrubs, bushes, or trees, either growing or which has died.

* * *

8.30.080 Notice of Violation and Abatement.

A. A Public Official, if he or she has a reasonable belief that a public nuisance exists in violation of this chapter, may issue a Notice of Violation and Abatement to the Owner of the property. Said Notice of Violation and Abatement shall contain the following:

1. The street address or a description of the building, structure, premises, or land, in terms reasonably sufficient to identify its location;
2. A description of the violation and a reference to the provisions of the Tacoma Municipal Code which have been violated;
3. A description of the action required to abate the public nuisance which may include corrections, repairs, demolition, removal, or any other appropriate action;



1 4. A statement that the required action must be taken within 18 calendar days from the date of the Notice of Violation and Abatement after which the City may abate the public nuisance in accordance with the provisions of this chapter;

2 5. A statement that the owner to whom a Notice of Violation and Abatement is directed may request a hearing by the ~~Hearing Officer~~Hearing Examiner. Such notice must be in writing and must be received by the City Clerk, no later than 10 calendar days after the Notice of Violation and Abatement has been issued;

3 6. A statement that if the owner to whom the Notice of Violation and Abatement is issued fails to submit a Notice of Appeal within 10 calendar days of issuance or fails to voluntarily abate the nuisance within 4 18 calendar days of issuance, the City may abate the nuisance and may assess all costs of abatement against the Owner of the property.

5 7. A statement that the costs and expenses of abatement incurred by the City may be assessed against the owner named in the Notice of Violation and Abatement and further that failure to pay said costs may result in a lien against the property.

6 8. The appropriate department and/or division investigating the case and the contact person.

7 B. The Notice of Violation and Abatement shall be served by any one or any combination of the following methods:

8 1. By first class mail to the address of the Owner as indicated in the records of the Pierce County Assessor; or

9 2. By posting the Notice of Violation and Abatement in a prominent location on the premises in a conspicuous manner which is reasonably likely to be discovered; or

10 3. By personal service upon the Owner of the property.

11 **8.30.090 Alternative Process – Notice of Violation, civil penalty, and abatement.**

12 A. Any owner who violates any of the provisions of this chapter, in the discretion of the Public Official, may be assessed monetary penalties before the City initiates the abatement process referenced in this chapter. If the Public Official determines that this alternative process will more likely result in voluntary compliance, the Public Official may send a Notice of Violation, followed by civil penalties and abatement if appropriate.

13 B. The Notice of Violation shall contain the following:

14 1. The street address or a description of the building, structure, premises, or land, in terms reasonably sufficient to identify its location;

15 2. A description of the violation and a reference to the provisions of the Tacoma Municipal Code which have been violated;

16 3. A description of the action required to abate the public nuisance which may include corrections, repairs, demolition, removal, or any other appropriate action;

17 4. A statement that the required action must be taken within 18 calendar days from the date of the Notice of Violation after which the City may impose a civil penalty in accordance with the provisions of this chapter;

18 5. The abatement procedure that may be implemented if civil penalties reach more than \$1,000;

19 6. The appropriate department and/or division investigating the case and the contact person;

20 7. A statement that the owner to whom a Notice of Violation is directed may request a hearing by the ~~Hearing Officer~~Hearing Examiner. Such notice must be in writing and must be received by the City Clerk, no later than 10 calendar days after the Notice of Violation and Abatement has been issued;

21 8. A statement that the costs and expenses of abatement incurred by the City may be assessed against the owner named in the Notice of Violation and further that failure to pay said costs may result in a lien against the property.

22 C. The Notice of Violation will be sent in the same manner as outlined in TMC 8.30.080.B;



1 D. Civil penalty. At the end of the specified timeframe, the site will be reinspected to see if the condition has been corrected. If the condition has been corrected, the case will be closed. If the condition has not been corrected, a civil penalty in the amount of \$250 may be sent.

2 E. Any person who violates any of the provisions of this chapter, in the discretion of the Public Official, may be assessed monetary penalties as an alternative to the abatement process referenced in this chapter, upon a determination that a public nuisance exists.

3 F. The civil penalty shall be served in accordance with TMC 8.30.080.B.

4 G. The civil penalty should contain the following:

5 1. A specified timeframe for correcting the violation or submitting an acceptable work schedule;

6 2. The address of the site;

7 3. The citation penalties that may be imposed in the event that the condition is not corrected within the timeframe indicated;

8 4. The abatement procedure that may be implemented if civil penalties in excess of \$1,000 are assessed in trying to correct the condition; and

9 5. The appropriate department and/or division investigating the case and the contact person.

10 H. At the end of the specified timeframe, the site will be reinspected to see if the condition has been corrected. If the condition has been corrected, the case will be closed. If the condition has not been corrected, a second and/or subsequent civil penalty in the amount of \$250 shall be sent or delivered in accordance with TMC 8.30.080.B.

11 I. A person to whom a civil penalty is directed may request a hearing by the ~~Hearing Officer~~[Hearing Examiner](#). Such notice must be in writing and must be received by the City Clerk no later than 10 calendar days after the civil penalty has been issued;

12 J. Civil penalties will continue to accumulate until the condition is corrected or, if the total assessed penalty exceeds \$1,000, an abatement proceeding may be initiated. At such time that the assessed penalty exceeds \$1,000, a Certificate of Complaint may be filed 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 owner and parties of interest if determined.

13 K. Each day that a property is not in compliance with the provisions of this chapter may constitute a separate violation of this chapter.

14 **8.30.100 Hearing by the ~~Hearing Officer~~[Hearing Examiner](#).**

15 A. 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 a hearing by filing the request with the City Clerk no later than 10 calendar days after said Notice of Violation and Abatement or civil penalty is issued. Each request for hearing shall contain the address and telephone number of the person requesting the hearing and the name and/or the name and address of any person who will be present to represent him or her. Each request for hearing shall set out the basis for the appeal.

16 B. If a hearing is requested, the ~~Hearing Officer~~[Hearing Examiner](#), will conduct the hearing required by this chapter no more than 18 calendar days after the Public Official issues the Notice of Hearing, unless the ~~Hearing Officer~~[Hearing Examiner](#) or Public Official finds good cause to continue the matter to another date.

17 C. If a request for a hearing is received, the Public Official shall mail a notice giving the time, location, and date of the hearing, by first class mail to whom the Notice of Violation and Abatement or civil penalty was directed.

18 D. The ~~Hearing Officer~~[Hearing Examiner](#) shall conduct a hearing. [The hearing shall be conducted in accordance with 1.23 TMC and the Hearing Examiner's rules. The Public Official, as well as the person to whom the Notice of Violation and Abatement or civil penalty was directed, may participate as parties in the](#)



~~hearing and each party may call witnesses.~~ The City shall have the burden of proof to establish, by a preponderance of the evidence, that a violation of this chapter has occurred and that the required corrective action is reasonable, or that the civil penalty was assessed for noncompliance with this chapter.

E. The ~~Hearing Officer~~Hearing Examiner shall determine whether the City has established, by a preponderance of the evidence, that a violation of this chapter has occurred and that the required corrective action is reasonable, or that the civil penalty was reasonable, and shall affirm, modify, or vacate the Public Official's decisions regarding the alleged violation, the required corrective action, and/or civil penalty with or without written conditions.

F. The ~~Hearing Officer~~Hearing Examiner shall issue a final Order which contains the following information:

1. The decision regarding the alleged violation including findings of facts and conclusion based thereon;
2. The required corrective action, if any;
3. The date by which the correction must be completed;
4. The date after which the City may proceed with abatement, as outlined in TMC 8.30.110, if the required corrective action is not completed;
5. A statement that the civil penalty is affirmed, modified, or waived;
6. A statement of any appeal remedies;
7. A notice that if the City proceeds with abatement, a lien for the costs of said abatement may be assessed against the property if the costs of abatement are not paid in accordance with the provisions of this chapter.

G. If the person to whom the Notice of Violation and Abatement or civil penalty was directed fails to appear or submit something in writing at the scheduled hearing, the ~~Hearing Officer~~Hearing Examiner will enter an Order finding that the violation has occurred, or the civil penalty was reasonable, and that abatement may proceed.

H. The Order shall be served on the person by one of the methods stated in TMC 8.30.080, ~~(B) of this chapter.~~

I. A final Order of the ~~Hearing Officer~~Hearing Examiner may be appealed to a court of competent jurisdiction no more than twenty-one (21) calendar days of its issuance.

* * *

8.30.120 Recovery of costs and expenses.

A. The costs, including incidental expenses, for correcting the violation may be billed to the owner to which a Notice of Violation and Abatement has been directed, and shall become due and payable to the City of Tacoma no later than 30 calendar days from the date of the invoice. The term "incidental expense" includes, but is not limited to, personnel costs, both direct and indirect, including attorney's fees; costs incurred in documenting the violation; hauling, storage, and disposal expenses; filing fees; and actual expenses and costs of the City in preparing notices, specifications, and contracts, and in accomplishing and/or contracting and inspecting the work; the costs of any required, printing or mailing; and any and all costs of collection.

B. If the person responsible for the costs of abatement fails to remit in a timely manner, the City may file a lien against the real property for the cost of any abatement proceedings under this chapter, except no lien shall attach to the real property if the Owner was found not responsible in the Order issued by the ~~Hearing Officer~~Hearing Examiner. A notice of the City's lien specifying the expenses incurred in abating the nuisance and giving the legal description of the premises sought to be charged shall be filed with the county auditor within 90 days from the date of the abatement. Such lien may at any time thereafter be collected in the manner provided for foreclosure of mechanic's liens under the laws of the State of Washington.

C. In addition to a lien, the debt shall be collectible in the same manner as any other civil debt owing to the City, and the City may pursue collection of the costs of any abatement proceedings under this chapter by any other lawful means, including, but not limited to, referral to a collection agency.



D. Any unpaid amounts for the cost of collection, removal, and disposal of solid waste by the City, under TMC 8.30.110.B. may be collected in any lawful manner authorized for the collection of utility bills.

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8.30.130 Hearing regarding cost of abatement.

A. Any person sent an invoice for the costs due for the abatement of a nuisance may request a hearing to determine if the costs should be assessed, reduced, or waived.

B. A request for a hearing shall be made in writing and filed with the City Clerk no later than ten (10) calendar days from the date of the invoice.

C. Each request for hearing shall contain the address and telephone number of the person requesting the hearing and the name and/or the name and address of any person who will be present to represent him or her.

D. Each request for hearing shall set out the basis for the appeal.

E. Failure to request a hearing within ten (10) calendar days from the date of the invoice shall be a waiver of the right to contest the validity of the costs incurred in abatement of the violation.

F. If a hearing is requested, the ~~Hearing Officer~~Hearing Examiner will conduct the hearing no more than 18 calendar days after the Public Official issues the Notice of Hearing, unless the ~~Hearing Officer~~Hearing Examiner or Public Official finds good cause to continue the matter to another date.

G. If a hearing is requested, the Public Official shall mail a notice giving the time, location, and date of the hearing, by first class mail, to the person or persons to whom the invoice for the costs of abatement was directed.

H. The ~~Hearing Officer~~Hearing Examiner shall conduct a hearing. ~~The Public Official, as well as the person to whom the invoice for abatement costs was directed, may participate as parties in the hearing and each party may call witnesses. The hearing shall be conducted in accordance with 1.23 TMC and the Hearing Examiner's rules.~~ The City shall have the burden of proof to establish, by a preponderance of the evidence, that the abatement costs were reasonable.

I. The ~~Hearing Officer~~Hearing Examiner shall issue an order and determine whether the costs of abatement were reasonable and necessary. The ~~Hearing Officer~~Hearing Examiner may uphold the amount billed for the costs of abatement, reduce the amount billed, or waive the costs.

J. The order of the ~~Hearing Officer~~Hearing Examiner is the final administrative decision. Such decision may be appealed in accordance with TMC 8.30.100.I.

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EXHIBIT "E"

Chapter 8.122
NOISE ENFORCEMENT

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Sections:

- 8.122.010 General definitions.
- 8.122.020 General powers of the Director.
- 8.122.030 Testing by order of the Director.
- 8.122.040 Inspection.
- 8.122.050 Procedures for the determination of sound levels.
- 8.122.060 Nuisance regulations not prohibited.
- 8.122.070 Exemptions.
- 8.122.080 General prohibitions.
- 8.122.090 Construction.
- 8.122.100 Commercial music.
- 8.122.110 Variances.
- 8.122.120 Noise control plan.
- 8.122.130 Penalty for violation.
- 8.122.140 Notice of Violation and civil penalty.
- 8.122.150 Hearing by the ~~Hearing Officer~~Hearing Examiner.

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8.122.150 Hearing by the ~~Hearing Officer~~Hearing Examiner.

A. A person to whom a Notice of Violation or civil penalty is issued may request a hearing by filing the request with the City Clerk no later than ten (10) calendar days after said Notice of Violation or civil penalty is issued.

B. If a hearing is requested, the ~~Hearing Officer~~Hearing Examiner, or his or her designee, will conduct the hearing required by this chapter no more than 18 calendar days after the Director issues the Notice of Hearing.

C. If a request for a hearing is received, the Director shall mail a notice giving the time, location, and date of the hearing, by first class mail to person or persons to whom the Notice of Violation or civil penalty was directed.

D. The ~~Hearing Officer~~Hearing Examiner, or his or her designee, shall conduct a hearing on the Notice of Violation or civil penalty. The hearing shall be conducted in accordance with 1.23 TMC and the Hearing Examiner's rules. ~~The Director, as well as the person to whom the Notice of Violation or civil penalty was directed, may participate as parties in the hearing, and each party may call witnesses.~~ The City shall have the burden of proof to establish, by a preponderance of the evidence, that a violation has occurred and that the required corrective action is reasonable.

E. The ~~Hearing Officer~~Hearing Examiner shall determine whether the City has established, by a preponderance of the evidence, that a violation has occurred and that the required corrective action is reasonable and shall affirm, modify, or vacate the Director's decisions regarding the alleged violation, civil penalty, and/or the required corrective action, with or without written conditions.

F. The ~~Hearing Officer~~Hearing Examiner shall issue a final Order that contains the following information:

- 1. The decision regarding the alleged violation including findings of facts and conclusion based thereon;
- 2. The required corrective action, if any;
- 3. The date and time by which the correction must be completed;
- 4. A statement of any appeal remedies;



5. A notice that a lien may be assessed against the property if the civil penalties are not paid in accordance with the provisions of this chapter.

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G. If the person to whom the Notice of Violation or civil penalty was directed fails to appear at the scheduled hearing, the ~~Hearing Officer~~Hearing Examiner will enter an Order finding that the violation has occurred.

H. The Order shall be served on the person in the same manner as a Notice of Violation as provided for in ~~Section 8.122.140~~.B.

I. A final Order of the ~~Hearing Officer~~Hearing Examiner may be appealed to a court of competent jurisdiction no more than 21 calendar days of its issuance.



ORDINANCE NO. 28273

1 AN ORDINANCE relating to the Compensation Plan; amending Section 1.12.095
2 of the Tacoma Municipal Code, "Health Care and Disability Benefits," to
3 provide periods for employee enrollment in benefit plans to meet the
requirements of the Affordable Care Act.

4 WHEREAS the Patient Protection and Affordable Care Act, Public
5 Law 111-148, was enacted on March 23, 2010; and the Health Care and
6 Education Reconciliation Act, Public Law 111-152, was enacted on March 30,
7 2010, known collectively as the "Affordable Care Act," and
8

9 WHEREAS the Affordable Care Act reorganizes, amends, and adds to the
10 provisions of Part A of Title XXVII of the Public Health Service Act ("PHS Act"),
11 relating to group health plans and health insurance issuers in the group and
12 individual markets, and
13

14 WHEREAS the federal regulations implementing Section 2708 of the PHS
15 Act, as added by the Affordable Care Act and incorporated into ERISA and the
16 Code, provide that a group health plan or health insurance issuer offering group
17 health insurance coverage shall not require a waiting period for eligible
18 employees, as defined in Section 2704(b)(4) of the PHS Act, that exceeds
19 90 days, and
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21 WHEREAS it is necessary to amend the Tacoma Municipal Code to comply
22 with the Affordable Care Act; Now, Therefore,
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BE IT ORDAINED BY THE CITY OF TACOMA:

That Section 1.12.095 of the Tacoma Municipal Code, "Health Care and Disability Benefits," is hereby amended as set forth in the attached Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

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1.12.095 Health Care and Disability Benefits.

A. Health Care and Disability Coverage.

1. The City shall pay all or such portion of the premiums or expenses for, medical, hospital, vision, long-term disability, and dental coverage for eligible permanent, project, appointive, and temporary pending exam employees and their dependents, as defined by the applicable employee benefit plan or agreement, beginning on the first day of the calendar month following the date of hire, unless the date of hire is also the first working day of the calendar month, in which case benefits would be effective on the date of hire. ~~and~~ For temporary employees, the City shall pay all or such portion of the premium or expenses for medical and dental benefits for temporary employees after six months of continuous service beginning on the first day of the calendar month following 60 days of continuous employment from the date of hire, except for temporary hiring-hall workers for whom benefits are administered through their unions. Employee contributions toward the cost of insurance premiums or benefit expenses shall be by payroll deduction, except where expressly exempted by applicable bargaining agreement or operation of law.

2. Employees hired into a part-time status after January 1, 1983, shall have the option of electing to enroll in either the medical benefits plan, or the dental benefits plan, or both, with the cost of the same being prorated on the hours the employee is hired to work (such as three-quarter time, half-time, and so forth). Employees electing coverage under this paragraph shall contribute the cost of elected coverage by payroll deduction.



ORDINANCE NO. 28274

1 AN ORDINANCE relating to the Small Business Enterprise Program;
2 amending Chapter 1.07 of the Tacoma Municipal Code by amending
3 Sections 1.07.020, 1.07.050, and 1.07.140 thereof to add a new
4 definition, update the SBE Program certification process, and extend
5 the SBE Program through December 31, 2019.

6 WHEREAS, on December 15, 2009, pursuant to Ordinance No. 27867, the
7 Historically Underutilized Business (“HUB”) Program was recodified under
8 Chapter 1.07 of the Tacoma Municipal Code (“TMC”), to expand the scope of the
9 Program beyond public works and improvements to include supplies and services
10 contracts, and to clarify application of Program requirements to all contracts valued
11 at \$25,000 or more, and

12 WHEREAS, in 2013, the HUB Program was renamed to the “Small
13 Business Enterprise (“SBE”) Program, and

14 WHEREAS, as a result of the City’s continuing effort to implement the intent
15 of the SBE Program, improve efficiency and fairness in Program administration,
16 and achieve Program goals, it is necessary to make amendments to Chapter 1.07,
17 TMC, and

18 WHEREAS, City staff is recommending the following proposed amendments
19 to Chapter 1.07, TMC: (1) Section 1.07.020, to add a definition for “Affidavit of
20 Small Business Enterprise Certification”; (2) Section 1.07.050, to (a) increase the
21 “Personal Net Worth” ceiling from \$375,000 to \$1,320,000, (b) increase the “Total
22 Gross Receipts” ceiling from \$8,000,000 to \$36,500,000 for construction/Public
23 Works, and from \$4,000,000 to \$15,000,000 for non-construction/non-Public Works,
24 (c) replace existing declaration and affidavit form references with a reference to the
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new Affidavit of Small Business Enterprise Certification, which contains expanded certification and documentation requirements; and (d) remove inflexible requirements for submission of tax return documentation; and (3) Section 1.07.140, to extend the duration, and time for City Council review, of the SBE Program through December 31, 2019; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

That Chapter 1.07 of the Tacoma Municipal Code is hereby amended by amending Sections 1.07.020, 1.07.050, and 1.07.140 thereof, as set forth in the attached Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

Chapter 1.07

SMALL BUSINESS ENTERPRISES

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- Sections:
- 1.07.010 Policy and purpose.
 - 1.07.020 Definitions.
 - 1.07.030 Discrimination prohibited.
 - 1.07.040 Program administration.
 - 1.07.050 Certification.
 - 1.07.060 Program requirements.
 - 1.07.070 Evaluation of submittals.
 - 1.07.080 Contract compliance.
 - 1.07.090 Program monitoring.
 - 1.07.100 Enforcement.
 - 1.07.110 Remedies.
 - 1.07.120 Unlawful acts.
 - 1.07.130 Severability.
 - 1.07.140 Sunset and review of program.

* * *

1.07.020 Definitions.

Terms used in this chapter shall have the following meanings unless defined elsewhere in the Tacoma Municipal Code ("TMC"), or unless the context in which they are used clearly indicates a different meaning

A. "Affidavit of Small Business Enterprise Certification" means the fully completed, signed, and notarized affidavit that must be submitted with an application for SBE certification. Representations and certifications made by the applicant in this Affidavit are made under penalty of perjury and will be used and relied upon by City to verify SBE eligibility and compliance with SBE certification and documentation requirements.

AB. "Base Bid" means a Bid for Public Works to be performed or Supplies or Services to be furnished under a City Contract, including additives, alternates, deductives, excluding force accounts, and taxes collected separately pursuant to Washington Administrative Code ("WAC") 458-20-171.

BC. "Bid" means an offer submitted by a Respondent to furnish Supplies, Services, and/or Public Works in conformity with the Specifications and any other written terms and conditions included in a City request for such offer.

CD. "Bidder" means an entity or individual who submits a Bid, Proposal or Quote. See also "Respondent."

DE. "City" means all Departments, Divisions and agencies of the City of Tacoma.

EF. "Contract" means any type of legally binding agreement regardless of form or title that governs the terms and conditions for procurement of Public Works and Improvements and/or Non-Public Works and Improvements Supplies and Services. Contracts include the terms and conditions found in Specifications, Bidder or Respondent Submittals, and purchase orders issued by the City. A "Contract" as used in this chapter shall include an agreement between the City and a non-profit entity to perform construction-related services for Public Works. A "Contract" does not include: (1) awards made by the City with federal/state grant or City general funds monies to a non-profit entity where the City offers assistance, guidance, or supervision on a project or program, and the recipient of the grant awards uses the grant moneys to provide services to the community; (2) sales transactions where the City sells its personal or real property; (3) a loan transaction where the City is acting as a debtor or a creditor; (4) lease, franchise; (5) agreements to use City real property (such as Licenses, Permits and Easements) and, (6) banking and other financial or investment services.



1 FG. “Contractor” means any Person that presents a Submittal to the City, enters into a Contract with the City, and/or performs all or any part of a Contract awarded by the City, for the provision of Public Works, or Non-Public Works and Improvements, Supplies or Services.

2 GH. “Evaluated Bid” means a Bid that factors each Respondent’s Base Bid including any alternates, deductive and additives selected by the City that will result in a weighed reduction based on that
3 Respondent’s percentage of SBE participation, as defined by formula set forth in this chapter or in the SBE Regulations adopted pursuant to this chapter.

4 HI. “Goals” means the annual level of participation by SBEs in City Contracts as established in this chapter, the SBE Regulations, or as necessary to comply with applicable federal and state nondiscrimination laws and regulations. Goals for individual Contracts may be adjusted as provided for in this chapter and shall not be
5 construed as a minimum for any particular Contract or for any particular geographical area.

6 IJ. “SBE Certified Business” (or “SBEs”) means a business that meets the criteria set forth in
7 Section 1.07.050 of this chapter and has been certified as meeting that criteria by the Community and Economic Development Department-SBE Program Coordinator.

8 JK. “SBE Program Coordinator” means the individual appointed, from time to time, by the City’s
9 Community and Economic Development Director to administer the SBE Regulations.

10 KL. “SBE Regulations” shall mean the written regulations and procedures adopted pursuant to this chapter for procurement of Supplies, Services and Public Works.

11 LM. “Lowest and Best Responsible Bidder” means the Bidder submitting the lowest Bid received that is
12 within the range of acceptable bids, that also has the ability to timely perform the Contract bid upon considering such factors as financial resources, skills, quality of materials, past work record, and ability to comply with state, federal, and local requirements, including those set forth in the SBE Regulations.

13 MN. “Non-Public Works and Improvements” means all competitively solicited procurement of Supplies
14 and/or Services by the City not solicited as Public Works.

15 NO. “Person” means individuals, companies, corporations, partnerships, associations, cooperatives, any other
16 legally recognized business entity, legal representative, trustee, or receivers.

17 OP. “Proposal” means a written offer to furnish Supplies or Services in response to a Request for Proposals.
18 This term may be further defined in the Purchasing Policy Manual and/or in competitive solicitations issued by the City.

19 PQ. “Public Works (or “Public Works and Improvements)” means all work, construction, alteration, repair, or
20 improvement other than ordinary maintenance, executed at the cost of the City, or that is by law a lien or charge on any property therein. This term includes all Supplies, materials, tools, and equipment to be furnished in accordance with the Contract for such work, construction, alteration, repair, or improvement.

21 QR. “Quote” means a competitively solicited written offer to furnish Supplies or Services by a method of
22 procurement that is less formalized than a Bid or a Proposal. This term may be further defined in the Purchasing Policy Manual.

23 RS. “Respondent” means any entity or Person, other than a City employee, that provides a Submittal in
24 response to a request for Bids, Request for Proposals, Request for Qualifications, request for quotes or other request for information, as such terms are defined in Section 1.06.251 TMC. This term includes any such
25 entity or Person whether designated as a supplier, seller, vendor, proposer, Bidder, Contractor, consultant, merchant, or service provider that; (1) assumes a contractual responsibility to the City for provision of Supplies, Services, and/or Public Works; (2) is recognized by its industry as a provider of such Supplies, Services, and/or Public works; (3) has facilities similar to those commonly used by Persons engaged in the same or similar business; and/or (4) distributes, delivers, sells, or services a product or performs a Commercially Useful Function.

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1 ST. “Services” means non-Public Works and Improvements services and includes professional services, personal services, and purchased services, as such terms are defined in Section 1.06.251 TMC and/or the City’s Purchasing Policy Manual.

2 TU. “Submittal” means Bids, Proposals, Quotes, qualifications or other information submitted in response to requests for Bids, Requests for Proposals, Requests for Qualifications, requests for Quotations, or other City requests for information, as such terms are defined in Section 1.06.251 TMC.

3 UV. “Supplies” means materials, Supplies, and other products that are procured by the City through a competitive process for either Public Works procurement or Non-Public Works and Improvements procurement unless an approved waiver has been granted by the appropriate authority.

4 * * *

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6 **1.07.050 Certification.**

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

- 8 1. Each person with an ownership interest in the company has a personal net worth of less than ~~\$750,000~~1,320,000 excluding one personal residence and the net worth of the business;
- 9 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~~36,500,000 for public works companies and not more than ~~\$400,000~~15,000,000 for non-public works and improvements companies;
- 10 3. The owner(s) of the company executes an ~~a~~Affidavit of Small Business Enterprise Certification 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
- 11 4. The company can demonstrate that it also meets at least one of the following additional requirements:
- 12 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
- 13 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
- 14 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
- 15 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.

16 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:

- 17 1. A completed Statement of Personal Net Worth form;
- 18 2. A completed, ~~Declaration of SBE Status Affidavit form signed, and notarized Affidavit of Small Business Enterprise Certification that affirms compliance with the certification and documentation requirements of this section;~~
- 19 ~~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;~~
- 20 43. List of equipment and vehicles used by the SBE;
- 21 54. Description of company structure and owners;
- 22 65. Such additional information as the SBE Program Coordinator or designee may require.



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

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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:

- 1. That the company still meets all of the criteria set forth in subsection 1.07.050.A. TMC, and
- 2. That the company has maintained all applicable and necessary licenses in the intervening period, and
- 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.

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.

* * *

1.07.140 Sunset and review of program.

This chapter shall be in effect through and until December 31, 20142019, unless the City Council shall determine at an earlier date that the requirements of this chapter are no longer necessary. If this chapter has not been repealed by July 1, 20142019, the City Council shall determine by the end of that year whether substantial effects or lack of opportunity of SBEs remain true in the relevant market and whether, and for how long, some or all of the requirements of this chapter should remain in effect.