



Legislation Passed June 7, 2016

The Tacoma City Council, at its regular City Council meeting of June 7, 2016, 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. 39455

A resolution appointing and reappointing individuals to the Human Services Commission.
[Doris Sorum, City Clerk; Elizabeth Pauli, City Attorney]

Resolution No. 39456

A resolution appointing Colleen Barta to the Greater Tacoma Regional Convention Center Public Facilities District Board of Directors to fill an unexpired term to expire December 31, 2016, followed by a four-year term to expire December 31, 2020, and until a successor is appointed.
[Mayor Strickland]

Resolution No. 39457

A resolution appointing Mayor Strickland to the Board that will review the composition of the Pierce Transit Board of Commissioners.
[Mayor Strickland]

Resolution No. 39458

A resolution awarding a contract to NOVA Contracting, Inc., in the amount of \$333,470, plus a 15 percent contingency, for a cumulative total of \$383,490, sales tax not applicable, budgeted from the Transportation Capital Fund, for the construction of the Lincoln Avenue Trail - Specification No. PW16-0106F.
[Chris E. Larson, P.E., Engineering Division Manager;
Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 39459

A resolution awarding a contract to Puget Paving & Construction Inc., in the amount of \$683,568.00, plus a 10 percent contingency, for a cumulative total of \$751,924.80, sales tax not applicable, budgeted from the Transportation Capital Fund, for a grind and overlay across the intersection in each direction on South 48th Street and Tacoma Mall Boulevard - Specification No. PW16-0066F.
[Chris E. Larson, P.E., Engineering Division Manager;
Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 39460

A resolution awarding a contract to SCI Infrastructure, L.L.C, in the amount of \$2,180,508.66, plus a 20 percent contingency, for a cumulative total of \$2,616,610.39, excluding sales tax, budgeted from the Surface Water Fund, for the excavation and removal of approximately 96,000 cubic yards of material from a former gravel quarry that is currently utilized as a regional storm water detention facility, including the construction of approximately 2,000 feet of gravel trail, sidewalk improvements and associated landscaping - Specification No. ES16-0114F.

[Geoffrey M. Smyth, P.E., Division Manager; Michael P. Slevin III, P.E., Director, Environmental Services]

Resolution No. 39461

A resolution awarding a contract to Northwest Cascade, Inc., in the amount of \$925,467.00, plus a 20 percent contingency, for a cumulative total of \$1,110,560.40, excluding sales tax, budgeted from the Wastewater and Surface Water Fund, for the construction of approximately 905 linear feet of 8-inch and 10-inch diameter underground wastewater mains and 355 linear feet of 15-inch diameter underground stormwater mains in the Stadium District neighborhood - Specification No. ES16-0038F.

[Geoffrey M. Smyth, P.E., Division Manager; Michael P. Slevin III, P.E., Director, Environmental Services]

Resolution No. 39462

A resolution authorizing the execution of an agreement with Arbor E&T, LLC, dba ResCare Workforce Services, in the amount of \$346,221, budgeted from the Training and Employment Program Fund, for case management, support services, and job placement and job match services to Tacoma residents and residents of Tacoma Public Utilities retail service areas engaged in training and education opportunities, for the period of January 1, 2016 through December 31, 2016.

[Christopher Wright, Contract and Program Auditor; Nadia Chandler Hardy, Director, Neighborhood and Community Services]

Resolution No. 39463

A resolution authorizing the execution and conveyance of a non-exclusive perpetual easement to Pierce County, for the amount of \$10,000; accepting and depositing said sum into the Tacoma Rail Mountain Division Fund, for a sanitary sewer pipeline under and through a portion of Tacoma Rail Mountain Division right-of-way in the Frederickson area of Pierce County.

[Greg Muller, Real Estate Officer; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 39464

A resolution authorizing the City Manager to commit up to \$500,000, budgeted from UDAG Funds, as a local match to an i6 Challenge Grant, to create a Biotech Accelerator aligned with military health, at 2304 Jefferson Avenue.

[Pat Beard, Project Manager; Ricardo Noguera, Director, Community and Economic Development]

Ordinance No. 28362

An ordinance to improve, update and streamline the Municipal Code by amending Chapter 1.22, relating to police courts; and by repealing the following Chapters: Chapter 1.80, relating to the Youth Building Tacoma Training and Employment Program; Chapter 2.15, relating to the Weights and Measures Code; Chapter 8.26, relating to Medicines and Drugs, Samples; Chapter 8.48, relating to Slot and Pinball Machines; Chapter 9.1, relating to Railroad Trains; Chapter 9.28, relating to Pedestrian Mall; Chapter 12.12, relating to Transit System Rates, Fares and Charges; and repealing Title 15, entitled Airports.

[Christopher Bacha, Chief Deputy City Attorney; Elizabeth Pauli, City Attorney]



RESOLUTION NO. 39455

1 BY REQUEST OF COUNCIL MEMBERS BLOCKER, CAMPBELL, LONERGAN
AND WOODARDS

2 A RESOLUTION relating to committees, boards, and commissions; appointing and
3 reappointing individuals to the Human Services Commission.

4 WHEREAS vacancies exist on the Human Services Commission, and

5 WHEREAS, at its meeting of May 12, 2016, the Community Vitality and

6 Safety Committee conducted interviews and recommended the appointment and
7 reappointment of individuals to said commission, and

8
9 WHEREAS, pursuant to the City Charter Section 2.4 and the Rules,
10 Regulations, and Procedures of the City Council, the persons named on Exhibit "A"
11 have been nominated to serve on the Human Services Commission; Now,

12 Therefore,

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

15 That those nominees to the Human Services Commission listed on
16 Exhibit "A" are hereby confirmed and appointed or reappointed as members of
17 such commission for such terms as are set forth on the attached Exhibit "A."

18 Adopted _____

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Mayor

21 Attest:

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23 _____
City Clerk

24 Approved as to form:

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City Attorney



EXHIBIT "A"

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HUMAN SERVICES COMMISSION

Appointing **Indira Hubble** to a three-year term to expire April 30, 2019.

Reappointing **Rahn Clayton** to a three-year term to expire April 30, 2019.

Reappointing **Virginia Miller** to a three-year term to expire April 30, 2019.



RESOLUTION NO. 39456

BY REQUEST OF MAYOR STRICKLAND

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A RESOLUTION relating to committees, boards, and commissions; appointing a citizen to the Greater Tacoma Regional Convention Center Public Facilities District Board of Directors.

WHEREAS a vacancy exists on the Greater Tacoma Regional Convention Center Public Facilities District Board of Directors, and

WHEREAS, under Tacoma City Charter Section 2.4, appointments may be made by a majority vote of the City Council from names presented in writing to the City Council by the Mayor or by any three members of the Council, and

WHEREAS the Mayor has nominated Colleen Barta to serve on the Greater Tacoma Regional Convention Center Public Facilities District Board of Directors to fill an unexpired term to expire December 31, 2016, followed by a four-year term to expire December 31, 2020; Now, Therefore,

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

That Colleen Barta is hereby appointed to serve on the Greater Tacoma Regional Convention Center Public Facilities District Board of Directors to fill an unexpired term to expire December 31, 2016, followed by a four-year term to expire December 31, 2020, and until a successor is appointed.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



RESOLUTION NO. 39457

1 BY REQUEST OF MAYOR STRICKLAND

2 A RESOLUTION appointing Marilyn Strickland to the Board that will review the
3 composition of the Pierce Transit Board of Commissioners.

4 WHEREAS, in accordance with RCW 36.57A.055, a review of the
5 composition of the governing body of Pierce Transit is to be held every four
6 years, and

7 WHEREAS, pursuant to state law, designated representatives of the
8 county and cities within the boundaries of Pierce Transit review the composition
9 of the Board, and, if deemed appropriate, the composition of the Board of
10 Commissioners of Pierce Transit may be revised at that meeting, and
11

12 WHEREAS the City Council currently has two members on the Pierce
13 Transit Board of Commissioners, and must have a presence on said Board to
14 ensure that the City continues to have an appropriate level of representation on
15 the Pierce Transit Board of Commissioners, and
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17 WHEREAS Mayor Marilyn Strickland will represent the City on the Board
18 for the purpose of determining the future composition of the Pierce Transit
19 Board of Commissioners; Now, Therefore,
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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That Marilyn Strickland, is hereby appointed to the Board that will review
the composition of the Pierce Transit Board of Commissioners.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



RESOLUTION NO. 39458

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the execution of a contract with
3 NOVA Contracting, Inc., in the amount of \$333,470, plus a 15 percent
4 contingency, for a cumulative total of \$383,490, sales tax not applicable,
5 budgeted from the Transportation Capital Fund, for the construction of
6 the Lincoln Avenue Trail pursuant to Specification No. PW16-0106F.

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

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

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

14 Section 1. That the Council of the City of Tacoma concurs with the
15 Board of Contracts and Awards to adopt the recommendation for award as set
16 forth in the attached Exhibit "A."

17 Section 2. That the proper officers of the City are hereby authorized to
18 enter into a contract with NOVA Contracting, Inc., in the amount of \$333,470,
19 plus a 15 percent contingency, for a cumulative total of \$383,490, sales tax not
20 applicable, budgeted from the Transportation Capital Fund, for the construction
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1 of the Lincoln Avenue Trail pursuant to Specification No. PW16-0106F,
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. 39459

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the execution of a contract with
3 Puget Paving & Construction Inc., in the amount of \$683,568.00, plus a
4 10 percent contingency, for a cumulative total of \$751,924.80, sales tax
5 not applicable, budgeted from the Transportation Capital Fund, for a grind
6 and overlay across the intersection in each direction on South 48th Street
7 and Tacoma Mall Boulevard pursuant to Specification No. PW16-0066F.

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
16 Board of Contracts and Awards to adopt the recommendation for award as set
17 forth in the attached Exhibit "A."

18 Section 2. That the proper officers of the City are hereby authorized to
19 enter into a contract with Puget Paving & Construction Inc., in the amount of
20 \$683,568.00, plus a 10 percent contingency, for a cumulative total of
21 \$751,924.80, sales tax not applicable, budgeted from the Transportation
22 Capital Fund, for a grind and overlay across the intersection in each direction
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1 on South 48th Street and Tacoma Mall Boulevard pursuant to Specification
2 No. PW16-0066F, consistent with Exhibit "A."

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4 Adopted _____

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7 Mayor

8 Attest: _____
9 City Clerk

10 Approved as to form:
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12 City Attorney

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RESOLUTION NO. 39460

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 SCI Infrastructure, L.L.C, in the amount of \$2,180,508.66, plus a 20 percent
4 contingency, for a cumulative total of \$2,616,610.39, excluding sales tax,
5 budgeted from the Surface Water Fund, for the excavation and removal of
6 approximately 96,000 cubic yards of material from a former gravel quarry
7 that is currently utilized as a regional storm water detention facility, including
8 the construction of approximately 2,000 feet of gravel trail, sidewalk
9 improvements, and associated landscaping, pursuant to Specification
10 No. ES16-0114F.

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

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

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

18 Section 1. That the Council of the City of Tacoma concurs with the
19 Board of Contracts and Awards to adopt the recommendation for award as set
20 forth in the attached Exhibit "A."

21 Section 2. That the proper officers of the City are hereby authorized to
22 enter into a contract with SCI Infrastructure, L.L.C, in the amount of
23 \$2,180,508.66, plus a 20 percent contingency, for a cumulative total of
24 \$2,616,610.39, excluding sales tax, budgeted from the Surface Water Fund, for
25 the excavation and removal of approximately 96,000 cubic yards of material
26 from a former gravel quarry that is currently utilized as a regional storm water



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detention facility, including the construction of approximately 2,000 feet of gravel trail, sidewalk improvements, and associated landscaping, pursuant to Specification No. ES16-0114F, consistent with Exhibit "A."

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney



RESOLUTION NO. 39461

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 Northwest Cascade, Inc., in the amount of \$925,467.00, plus a 20 percent
4 contingency, for a cumulative total of \$1,110,560.40, excluding sales tax,
5 budgeted from the Wastewater and Surface Water Fund, for the
6 construction of approximately 905 linear feet of 8-inch and 10-inch diameter
7 underground wastewater mains and 355 linear feet of 15-inch diameter
8 underground stormwater mains in the Stadium District neighborhood
9 pursuant to Specification No. ES16-0038F.

7 WHEREAS the City has complied with all applicable laws and processes
8 governing the acquisition of those supplies, and/or the procurement of those
9 services, inclusive of public works, as is shown by the attached Exhibit "A,"
10 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 set
17 forth in the attached Exhibit "A."
18

19 Section 2. That the proper officers of the City are hereby authorized to
20 enter into a contract with Northwest Cascade, Inc., in the amount of \$925,467.00,
21 plus a 20 percent contingency, for a cumulative total of \$1,110,560.40, excluding
22 sales tax, budgeted from the Wastewater and Surface Water Fund, for the
23 construction of approximately 905 linear feet of 8-inch and 10-inch diameter
24 underground wastewater mains and 355 linear feet of 15-inch diameter
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1 underground stormwater mains in the Stadium District neighborhood pursuant
2 to Specification No. ES16-0038F, consistent with Exhibit "A."

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4 Adopted _____

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7 Mayor

8 Attest: _____
9 City Clerk

10 Approved as to form:
11 _____
12 City Attorney

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RESOLUTION NO. 39462

1 A RESOLUTION relating to the Tacoma Training and Employment Program;
2 authorizing the execution of an agreement with Arbor E&T, LLC, dba
3 ResCare Workforce Services, in the amount of \$346,221, budgeted from the
4 Training and Employment Program Fund, for the period of January 1, 2016,
5 through December 31, 2016, to provide case management, support
6 services, and job placement and job match services to Tacoma residents
7 and residents of Tacoma Public Utilities retail service areas engaged in
8 training and education opportunities.

9 WHEREAS, on September 16, 1997, the City Council passed Ordinance
10 No. 26128, which established the Youth Building Tacoma Training and
11 Employment Project, now known as the Tacoma Training and Employment
12 Program ("TTEP"), with the intent of focusing resources on young adults, ages
13 18 to 24 years, residing in the City of Tacoma, to promote the development of a
14 trained workforce, particularly in building and construction trades and technical and
15 career fields, and

16 WHEREAS, in 2014, the Youth Building Tacoma Advisory Committee, now
17 the TTEP Advisory Committee, implemented the TOOL Center Pre-Apprenticeship
18 Program ("Program") to better serve the intent of the project and meet legal
19 requirements for the use of ratepayer funds, and

20 WHEREAS, in 2015, the City issued a Request for Proposals for Program
21 services, and four organizations were chosen to participate: Tacoma Ministerial
22 Alliance Housing & Community Development Corporation, for outreach and
23 assessment services; SureHouse Open Bible Church, for outreach and
24 assessment services; Bates Technical College, as a training provider; and
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Arbor E&T, LLC, dba ResCare Workforce Services, for case management, support services, and job placement and job match services, and

WHEREAS ResCare Workforce Services will provide support services to participants on an as-needed basis to maximize the likelihood of success in training and employment, including assistance with acquiring tools, clothing, and transportation, as well as soft-skills training, and

WHEREAS ResCare will provide drug screening prior to participant admission into the Program; administer milestone incentives to each participant; and, post-Program completion, provide participants with job placement and job match services, and

WHEREAS, during 2016, these four providers will work collaboratively to recruit and train 45 individuals through the Program; Now, Therefore,

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

That the proper officers of the City are hereby authorized to execute an agreement with Arbor E&T, LLC, dba ResCare Workforce Services, in the amount of \$346,221, budgeted from the Training and Employment Program Fund, for the period of January 1, 2016, through December 31, 2016, for case management, support services, and job placement and job match services to Tacoma residents and residents of Tacoma Public Utilities retail service areas engaged in training



1 and education opportunities, said agreement to be substantially in the form of the
2 document on file in the office of the City Clerk.

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4 Adopted _____

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Mayor

7 Attest:

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9 _____
City Clerk

10 Approved as to form:

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Deputy City Attorney

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RESOLUTION NO. 39463

1 A RESOLUTION relating to City-owned property; authorizing the grant of a
2 non-exclusive perpetual easement to Pierce County for a sanitary sewer
3 pipeline under and through a portion of Tacoma Rail Mountain Division
4 right-of-way in the Frederickson area of Pierce County; and accepting the
5 sum of \$10,000 for deposit into Tacoma Rail Mountain Division
6 Fund 4120, as consideration for the rights granted under the easement.

7 WHEREAS the Tacoma Rail Mountain Division ("TRMW") has owned,
8 operated, and/or maintained the rail line and right-of-way that runs between
9 Tacoma and Chehalis since it was acquired from the Weyerhaeuser Company in
10 1995, and

11 WHEREAS a Pierce County sewer main, granted through an easement in
12 1988, is included in this right-of-way, and

13 WHEREAS, pursuant to Resolution No. 39354, adopted January 5, 2016,
14 an easement was granted to Pierce County to allow sanitary sewer services for
15 the proposed 50-acre Rosemont 569-unit multi-family development in the
16 Frederickson area of Pierce County, and

17 WHEREAS it was determined that the original design required revisions to
18 allow adequate sanitary sewer service for the expected development in this area,
19 and

20 WHEREAS Pierce County will release the easement granted in
21 January 2016, which will be replaced with this new easement, and

22 WHEREAS the proposed easement area comprises approximately
23 400 square feet, and the proposed infrastructure includes approximately 20 linear
24 feet

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feet of 12-inch diameter sewer line which connects to the pre-existing Pierce
1 County manhole and sewer main, and

2 WHEREAS it is not anticipated that the installation, operation, and
3 maintenance of the improvements will have a negative impact on TRMW's use or
4 operation of its 100-foot-wide right-of-way, and
5

6 WHEREAS a separate right-of-way permit agreement, issued
7 administratively, will be required in order to install the improvements, and

8 WHEREAS Pierce County will assume ownership and maintenance
9 responsibilities of the proposed infrastructure, and the developer, Tarragon
10 LLC (Rosemont PDD), will pay TRMW fair market value in the amount of \$10,000
11 for a non-exclusive perpetual sewer easement, and
12

13 WHEREAS Real Property Services has worked with the City Attorney's
14 Office, TRMW, and Pierce County to prepare the proposed easement and now
15 seeks final approval from the City Council; Now, Therefore,
16

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

18 Section 1. That the proper officers of the City are hereby authorized to
19 grant a non-exclusive perpetual easement to Pierce County for a sanitary sewer
20 pipeline under and through a portion of Tacoma Rail Mountain Division
21 right-of-way in the Frederickson area of Pierce County, said document to be
22 substantially in the form of the proposed easement on file in the office of the City
23 Clerk.
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Section 2. That the proper officers of the City are hereby authorized to accept the sum of \$10,000, for deposit into Tacoma Rail Mountain Division Fund 4120, for consideration of the rights granted under the easement.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



RESOLUTION NO. 39464

1 A RESOLUTION authorizing the City Manager to commit up to \$500,000,
2 budgeted from UDAG Funds, as a local match to an i6 Challenge Grant for
3 the purpose of creating a Biotech Accelerator aligned with military health at
4 the former Nativity House, located at 2304 Jefferson Avenue.

4 WHEREAS the City Council's policy initiatives for economic vitality in
5 Vision 2025 include diversifying the local economy and increasing living wage jobs
6 for citizens of the City and surrounding community, and

7 WHEREAS, on May 24, 2016, the Economic Development Committee
8 approved a motion recommending that the City Council authorize the City Manager
9 to commit up to \$500,000 in local repaid UDAG funds as a match to an
10 i6 Challenge Grant ("Grant") offered through the Regional Innovation Strategies
11 Program of the U.S. Economic Development Administration, and

12 WHEREAS the University of Washington-Tacoma ("UWT") will apply for the
13 grant as part of a multi-partner effort to create a Biotech Accelerator aligned with
14 military health at the former Nativity House, located at 2304 Jefferson Avenue in
15 Tacoma, and

16 WHEREAS the City and the South Puget Sound region have significant
17 resources for furthering medical and biotechnological innovation due to research
18 activities and initiatives at Madigan Army Medical Hospital and MultiCare's
19 Institute for Research and Innovation, and

20 WHEREAS Madigan, the U.S. Army's second largest medical center,
21 features a robust research program, and MultiCare has a fully integrated medical
22 record system and diverse patient population at five hospitals and several specialty
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centers and clinics, and, between the two entities, more than 500,000 patients support and benefit from advances in medical care, and

WHEREAS the University of Puget Sound and UWT are building increasingly robust curriculums in microbiology, bioinformatics, and health promotion to prepare students for jobs in these fields and for entrepreneurs to create new products and companies which can leverage regional needs into health benefits and living wage jobs in the City and surrounding community, and

WHEREAS, consistent with the City Manager's 2016 Key Strategic Objectives, the South Sound Biotech Partnership, consisting of diverse stakeholders in the biology and medical sectors, convened in March 2016, and

WHEREAS participants elected to capitalize on time-sensitive opportunities to launch a biotech accelerator, targeted primarily at military health, for entrepreneurs, researchers, and students, as follows: (1) the opportunity to apply for i6 Challenge Grant funding in support of a Proof of Concept Center (i.e., accelerator); and (2) the identification of a highly-suitable, independent building in south downtown Tacoma, i.e., the former Nativity House, and

WHEREAS the partners envision a three-pronged approach to establishing the biotech accelerator: (1) the City would provide project support by acquiring the former Nativity House and deferring rent for a defined period of time (e.g., 2-3 years); (2) private parties and outside agencies would identify or form an independent, non-profit entity to operate the program, serve as the City's master tenant, conduct fundraising activities, pay all operating expenses of the project and insure/indemnify the City, and, ultimately, purchase the building from



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the City; and (3) UWT would apply for and administer grants, such as the i6 Challenge grant, and develop a curriculum and intern certificate program to allow students to benefit from the project, and

WHEREAS working collaboratively with the UWT to obtain i6 Challenge Grant funding by committing matching funds is the necessary next step toward moving the biotech innovation/acceleration initiative forward; Now, Therefore,

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

That the City Council hereby authorizes the City Manager to commit up to \$500,000, budgeted from UDAG Funds, as a local match to an i6 Challenge Grant for the purposes hereinabove enumerated.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



ORDINANCE NO. 28362

1 AN ORDINANCE relating to the Comprehensive Municipal Code Update Initiative
2 to improve, update and streamline the Tacoma Municipal Code ("TMC");
3 providing for the repeal or amendment of certain titles, chapters, and
4 sections of the TMC; amending TMC Chapter 1.22, relating to police courts;
5 repealing TMC Chapter 1.80, relating to the Youth Building Tacoma Training
6 and Employment Program; repealing TMC Chapter 2.15, regulating weights
7 and measures; repealing TMC Chapter 8.26, regulating distribution of
8 samples of drugs or medicines; repealing TMC Chapter 8.48, regulating
9 pinball machines as gaming devices; repealing TMC Chapter 9.1, regulating
10 railroad trains; repealing TMC Chapter 9.28, establishing a pedestrian mall;
11 repealing TMC Chapter 12.12, regulating transit system rates, fares and
12 charges; and repealing TMC Title 15, regulating the former Tacoma
13 Narrows Airport.

9 WHEREAS the City Council desires to update the Tacoma Municipal
10 Code ("TMC") by amending or removing titles, chapters, and sections thereof that
11 are unnecessary because they no longer serve important public health, safety, and
12 welfare interests; because the subject matter is otherwise regulated under state or
13 federal law or other provisions of the TMC; or because the content of the title,
14 chapter, or section does not require legislative action or codification, and
15

16 WHEREAS TMC Chapter 1.22, "Police Judge," enacted in 1953 under
17 authority of former RCW 35.22.420, et. seq., provides for the appointment of an
18 elected justice of the peace as police judge for the City and prescribes the salary,
19 jurisdiction, and related authority for that office, and
20

21 WHEREAS the Justice Courts Reorganization Act of 1961 provided for the
22 voluntary attrition of police courts and allowed, among other things, for the
23 establishment of a municipal department of the District Court pursuant to former
24 Chapter 3.46 of the Revised Code of Washington ("RCW"), and
25
26



1 WHEREAS, in 1961, the City Council, by Resolution No. 16858, petitioned
2 Pierce County for the establishment of a municipal department of the District Court
3 (formerly Justice Court), which Municipal Department operates under authority of
4 RCW 3.46.015 and former Chapter 3.46 RCW, and

5 WHEREAS former Chapter 3.46 RCW, applicable to the Municipal
6 Department of the City under authority of RCW 3.46.015, prescribes the jurisdiction,
7 salary, and related authority for the judges of the City of Tacoma Municipal
8 Department of the District Court, and

9 WHEREAS the provisions of TMC Chapter 1.22 no longer have application
10 and are unnecessary with the exception of TMC 1.22.050, which prescribes the
11 days and hours for operation of the Municipal Court, and

12 WHEREAS Ordinance No. 26128 was enacted in 1997, establishing the
13 Youth Building Tacoma Training and Employment Program, codified at
14 TMC Chapter 1.80, and

15 WHEREAS the intent of the program is to “provide opportunities to Tacoma
16 youth for the training and education necessary for the formation of a highly training
17 and capable work force” and it is administered by the Neighborhood and
18 Community Services Department (“NCS”), and

19 WHEREAS one of the purposes of the Comprehensive Municipal Code
20 Update Initiative is to identify and remove provisions from the TMC, the contents of
21 which do not require legislative action or codification, and

22 WHEREAS the Youth Building Tacoma Training and Employment Program
23 does not require authorization by ordinance or codification in the TMC to function
24



and operate as a City program; accordingly, TMC Chapter 1.80 is extraneous to the
1 TMC and should be repealed, and

2 WHEREAS TMC Chapter 2.15 was enacted in 1959 to establish a system of
3 weights and measures in the City to be enforced by the City Sealer and inspectors
4 of weights and measures, and
5

6 WHEREAS the City no longer employs a City Sealer or inspectors, and

7 WHEREAS the State Department of Agriculture, pursuant to
8 Chapter 19.94 RCW, implements and enforces statewide a system of weights and
9 measures to ensure the accuracy of weighing and measuring instruments and
10 devices used in commerce in order to safeguard the consuming public and to
11 ensure that businesses receive proper compensation for the commodities they
12 deliver, and
13

14 WHEREAS TMC Chapter 2.15 is no longer enforced in the City, making the
15 chapter unnecessary, and
16

17 WHEREAS TMC Chapter 8.26 was enacted in 1901 to regulate the
18 distribution of samples of drugs or medicines, which practices are now regulated by
19 the Department of Health pursuant to Chapter 69.45 RCW, and
20

21 WHEREAS TMC Chapter 8.48 was enacted in 1956 when pinball machines
22 were considered gambling devices, and
23

24 WHEREAS the current statutory definition of "gambling device," set forth in
25 RCW 9.46.0241, generally exempts pinball and similar machines from this
26 definition, and to the extent a pinball or similar machine fits within the definition of



1 gambling device, it is already regulated pursuant to TMC Chapter 8.100, Gambling,
2 and Chapter 9.46 RCW (Gambling - 1973 Act), and

3 WHEREAS TMC Chapter 9.14 was enacted in 1983 and regulates rail train
4 movements with the City, including train speeds, approach warnings, and blocking
5 of at-grade street crossings, and

6 WHEREAS Congress adopted the Interstate Commerce Commission
7 Termination Act ("ICCTA") in 1995, which broadened the express federal
8 preemption over the regulation of rail carriers that includes regulation of railroad
9 safety under the Federal Railroad Safety Act ("FRSA"), and

10 WHEREAS the Washington Supreme Court held, in Seattle v. Burlington
11 Northern R. Co., 145 Wn. 2d 661 (2002), that the ICCTA and FRSA preempt local
12 regulation imposing limits on train speeds, impeding access to street and alleys,
13 and switching movements at particular times of the day, and

14 WHEREAS the regulations set forth in TMC Chapter 9.14 have been
15 preempted under federal law and no longer have any force or effect and should
16 therefore be repealed, and

17 WHEREAS, in 1972, TMC Chapter 9.28 was enacted for the purposes of
18 establishing a pedestrian mall at "C" Street and Saint Helens Avenue, in downtown
19 Tacoma, and

20 WHEREAS the location of the pedestrian mall identified in TMC Chapter 9.28
21 no longer functions as a pedestrian mall, making the provisions of this chapter
22 unnecessary and potentially in conflict with current uses, and

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1 WHEREAS TMC Chapter 12.12 regulates the rates, fares, and charges for
transit buses formerly operated by the Tacoma Transit System, and

2 WHEREAS the Pierce County Transportation Benefit Area, known as Pierce
3 Transit, was established in 1979 and manages and operates a public transit bus
4 system within its boundaries, including the City of Tacoma, and
5

6 WHEREAS the City no longer operates the Tacoma Transit System, and all
7 rates, fares and charges for Pierce Transit buses are established by the Pierce
8 Transit Board of Commissioners under authority of Chapter 36.57A RCW, and
9

10 WHEREAS TMC Chapter 12.12 is no longer necessary and should be
11 repealed in its entirety, and

12 WHEREAS TMC Title 15 establishes regulations governing the use and
13 operation of the Tacoma Narrows Airport formerly owned by the City and located in
14 unincorporated Pierce County, and
15

16 WHEREAS, in 2008, the City transferred its ownership interest in the airport
17 to Pierce County and the Peninsula Metropolitan Park District, making the
18 provisions of TMC Title 15 unnecessary, and

19 WHEREAS the City Council finds that it is in the best interests of the public
20 to repeal or amend the foregoing described titles, chapters, and sections of the
21 TMC as provided herein; Now, Therefore,
22

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

24 Section 1. That Title 1 of the Tacoma Municipal Code ("TMC") is hereby
25 amended by repealing Sections 1.22.010, .1.22.015, 1.22.020, 1.22.030, 1.22.040
26 and 1.22.060 thereof, and retitling the chapter "Municipal Court"; and by repealing



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Chapter 1.80, "Youth Building Tacoma Training and Employment Program," in its entirety, as set forth in the attached Exhibit "A."

Section 2. That TMC Chapter 2.19 , "Weights and Measures Code," is hereby repealed in its entirety as set forth in the attached Exhibit "B."

Section 3. That TMC Chapters 8.26, "Medicines and Drugs, Samples," and 8.48, "Slot and Pinball Machines," are hereby repealed in their entirety as set forth in the attached Exhibit "C."

Section 4. That TMC Chapters 9.14, "Railroad Trains," and 9.28, "Pedestrian Mall," are hereby repealed in their entirety as set forth in the attached Exhibit "D."

Section 5. That TMC Chapter 12.12, "Transit System – Rates, Fares and Charges" is repealed in its entirety, as set forth in the attached Exhibit "E".

Section 6. That TMC Title 15, "Airports," is hereby repealed in its entirety as set forth in the attached Exhibit "F."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Chief Deputy City Attorney



EXHIBIT "A"

**TITLE 1
ADMINISTRATION AND PERSONNEL**

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Chapters:

- 1.02 City Limits and Annexations
- 1.04 Seal
- 1.06 Administration
- 1.07 Small Business Enterprise
- 1.08 Bonds
- 1.10 Emergency Management
- 1.12 Compensation Plan
- 1.16 Library
- 1.18 Mayor
- 1.19 Salary of Council Members
- 1.20 Obligations of City – Payment
- 1.22 ~~Police Judge~~ [Municipal Court](#)
- 1.23 Hearing Examiner
- 1.24 Personnel Rules
- 1.25 Pre-Employment Drug Screening
- 1.26 Repealed
- 1.27 Investment Committee
- 1.28 Repealed
- 1.28A Tacoma Arts Commission
- 1.28B Municipal Art Program
- 1.29 Human Rights Commission
- 1.30 Retirement and Pensions
- 1.32 Vehicles – Use
- 1.34 Working Fund Advances
- 1.35 Performance Audits
- 1.36 Bad Check and Other Charges
- 1.37 Transfer of Development Rights Program Administrative Code
- 1.38 Repealed
- 1.39 Affordable Housing Incentives and Bonuses Administrative Code
- 1.40 Repealed
- 1.42 Landmarks Preservation Commission
- 1.43 Repealed
- 1.44 City Council Election Districts
- 1.45 Neighborhood Councils
- 1.46 Code of Ethics
- 1.47 Neighborhood Business District Program
- 1.48 Repealed
- 1.49 Donations, Devises, or Bequests
- 1.50 Minority and Women’s Business Enterprises
- 1.60 Public Corporations
- 1.70 Appeals to the City Council
- 1.80 ~~Youth Building Tacoma Training and Employment Program~~
- 1.90 Local Employment and Apprenticeship Training Program

* * *



Chapter 1.22

POLICE JUDGE¹ MUNICIPAL COURT

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Sections:

- ~~1.22.010 Appointment Bond Salary.~~
- ~~1.22.015 Salary fixed.~~
- ~~1.22.020 Jurisdiction.~~
- ~~1.22.030 Additional clerical help.~~
- ~~1.22.040 Collection and remittance of fines.~~
- 1.22.050 Court in session Monday through Friday.
- ~~1.22.060 Pro tem Judge Appointment.~~

~~1.22.010 Appointment Bond Salary.~~

~~The Mayor shall, within 10 days after the Justices of the Peace are elected at the quadrennial election, appoint one of the Justices of the Peace elected as Police Judge, who shall before entering upon the duties of his office as Police Judge give such bond for the faithful performance of his duties as the City Council may by ordinance direct. The salary of the Police Judge so appointed shall be paid in addition to the salary paid to Justices of the Peace in cities of the first class and shall be fixed by the City Council, and such additional salary shall be paid wholly out of the funds of the City. The Police Judge shall have the power at any time to appoint a Clerk to assist him in clerical work incidental to the performance of his duties, who shall be paid such salary out of the funds of the City as the City Council may by ordinance determine.~~

~~1.22.015 Salary fixed.²~~

~~In accordance with the provisions of Section 3.16.004 RCW, the salary of the Justice of the Peace acting as Police Court Judge be and is hereby fixed in the sum of \$34,020.00 for the full four-year term commencing in January, 1955, payable as follows:~~

~~\$12,000.00 of which shall be paid by Pierce County in the sum of \$3,000.00 per annum, as provided in said section, and the remainder thereof shall be paid by the City as hereinafter set forth:~~

- ~~\$4,920.00 during the first year of said term,~~
- ~~\$5,700.00 during the second year of said term,~~
- ~~\$5,700.00 during the third year of said term, and~~
- ~~\$5,700.00 during the last year of said term.~~

~~Said salary shall be applicable to the Police Court Judge appointed to fill such position for the four year term commencing on the second Monday in January, 1955.~~

~~1.22.020 Jurisdiction.~~

~~The Police Judge, in addition to his powers as Justice of the Peace, shall have exclusive jurisdiction over all offenses defined by any ordinance of the City and all other actions brought to enforce or recover any license, penalty or forfeiture declared or given by any such ordinance, and full power to forfeit bail bonds and issue execution thereon, and full power to forfeit cash bail, and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinance, and to pronounce judgment in accordance therewith, and full power to issue all warrants and process necessary to effectuate the ordinances of the City. The Police Judge shall have jurisdiction to impose a fine of not to exceed \$300.00 or imprisonment not to exceed 90 days, or both such fine and imprisonment, in all cases where such penalty shall be prescribed by ordinance. In the trial of action brought for violating any City ordinance, no jury shall be allowed. The Police Judge shall in the conduct of the business of the Court give preference to cases arising under ordinances of the City. No change of venue shall be allowed from such Police Judge in actions brought for violations of City ordinances. All criminal process issued by the Police Judge shall be in the name of the State of Washington and run~~

¹ Similar statutory provisions — See RCW 35.22.420—35.22.520.
² See also Section 1.12.410.



throughout the State and be directed to the Chief of Police, Marshal, or other police officer of any city, or to any sheriff or constable in the State. All prosecutions for the violation of any City ordinance shall be conducted in the name of the City and may be upon the complaint of any person. In all civil and criminal cases arising from the violations of City ordinances tried by the Police Judge, he shall assess as costs in each case the same costs and fees as are charged by Justices of the Peace for like services, and all fees and costs so assessed and collected by him and all fines and forfeitures paid to him shall belong to and be paid over by him weekly to the City Treasurer.

1.22.030 — Additional clerical help.

The City Manager, upon written request of the Police Judge, shall furnish to him additional clerical employees as are provided for in the annual budget of the City.

1.22.040 — Collection and remittance of fines.

The Police Judge shall supervise and control the collection of all traffic violation fines and shall remit them in accordance with the directions of the City Treasurer.

1.22.050 Court in session Monday through Friday.

The Municipal Court Judges shall hold municipal court Monday through Friday of each week, except on legal holidays, and may hold evening sessions after 5:00 p.m. as necessary.

1.22.060 — Pro tem Judge — Appointment.

In case of temporary absence or inability of the Police Judge to act, the Mayor shall appoint, from among the practicing attorneys who are qualified electors of the City, a Police Judge pro tempore, who before entering upon his duties as such shall take an oath of office, and while so acting shall have all the powers of the Police Judge.

* * *

Chapter 1.80

YOUTH BUILDING TACOMA TRAINING AND EMPLOYMENT PROGRAM

Sections:

- 1.80.010 — Purpose.
- 1.80.020 — Intent.
- 1.80.030 — Definitions.
- 1.80.040 — Youth Building Tacoma Committee.
- 1.80.050 — Review.

1.80.010 — Purpose.

The purpose of this chapter is to establish a means of providing for the development of a trained and capable work force, possessing the skill and ability to fully participate in building and construction trades and technical and career fields in Tacoma.

1.80.020 — Intent.

It is the intent of the City Council that, by adopting the provisions described herein, the City may provide opportunities to Tacoma youth for the training and education necessary for the formation of a highly trained and capable work force. Such work force shall allow the City to draw upon a pool of qualified workers, enabling the City to efficiently and effectively meet its obligations. In addition, such work force shall provide employment opportunities for Tacoma youth, thereby facilitating the expansion of the local economy.

1.80.030 — Definitions.

A. "City" shall mean all divisions and departments of the City of Tacoma, including general government and the Department of Public Utilities.

B. "Youth" shall mean persons 18 to 24 years of age.



1 C. "Youth Building Tacoma Training and Employment Program" shall mean those projects approved by the
2 City Council, utilizing funds derived hereunder for the purpose of educating and training Tacoma youth and
3 thereby developing a trained and employable work force.

4 **1.80.040 — Youth Building Tacoma Committee.**

5 There is hereby established a Youth Building Tacoma Advisory Committee, which shall assist the City in
6 evaluating the effectiveness of the Youth Building Tacoma Training and Employment Program and make
7 recommendations to the City, as appropriate, regarding the operation of the Program. The Youth Building
8 Tacoma Advisory Committee shall be composed of no less than seven members who shall serve without
9 compensation and shall be appointed by the City Manager. At least two of the members of the Youth
10 Building Tacoma Advisory Committee shall be drawn from the Local Employment and Apprenticeship
11 Training Program Advisory Committee. The Youth Building Tacoma Advisory Committee shall be an
12 advisory body, reporting directly to the City Manager of the City of Tacoma. The Youth Building Tacoma
13 Advisory Committee is charged with the following duties and responsibilities:

14 A. Assist in an annual review and evaluation of the Youth Building Tacoma Training and Employment
15 Program for the purpose of making recommendations to the City as to the operations of the Program.

16 B. Assist the City in forming collaborative relationships with labor organizations, employers, community-
17 based organizations, education and training institutions, and other governmental organizations for the purpose
18 of advancing the goals of the Youth Building Tacoma Training and Employment Program.

19 C. Assist the City in forming work site agreements with agencies and contractors for the placement of
20 participants in the Youth Building Tacoma Training and Employment Program.

21 D. Provide guidance and assistance in seeking grant funding for the Youth Building Tacoma Training and
22 Employment Program.

23 **1.80.050 — Review.**

24 The Youth Building Tacoma Project shall be reviewed on or before November 30, 1998, and every two years
25 thereafter, such reviews to be conducted prior to the adoption of the City's biennial budget.
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EXHIBIT “B”

**Title 2
BUILDINGS**

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Chapters:

- 2.01 Minimum Building and Structures Code
- 2.02 Building Code
- 2.03 *Repealed*
- 2.04 Electrical Code
- 2.05 Sign Code
- 2.06 Plumbing Code
- 2.07 Mechanical Code
- 2.08 *Repealed*
- 2.09 Fee Code
- 2.10 Energy Code
- 2.11 *Repealed*
- 2.12 Flood Hazard and Coastal High Hazard Areas
- 2.13 Waterfront Structures and Marina Code
- 2.14 *Repealed*
- 2.15 ~~Weights and Measures Code~~
- 2.16 Mobile Homes and House Trailers
- 2.17 Board of Building Appeals
- 2.18 *Repealed*
- 2.19 Site Development and Off-Site Improvements

* * *

**~~Chapter 2.15
WEIGHTS AND MEASURES CODE~~**

~~Sections:~~

- ~~2.15.010 Title and creation of the code.~~
- ~~2.15.011 Bureau of Standards Handbook adopted.~~
- ~~2.15.012 Additional sections.~~
- ~~2.15.020 System of weights and measures.~~
- ~~2.15.030 Definitions of terms.~~
- ~~2.15.040 Definitions of special units of measures.~~
- ~~2.15.050 Definitions of specific commodities.~~
- ~~2.15.060 State standards of weight and measure.~~
- ~~2.15.070 Office and working standards and equipment.~~
- ~~2.15.080 City Sealer and Inspectors of Weights and Measures.~~
- ~~2.15.090 Bonds.~~
- ~~2.15.100 General powers and duties of City Sealer.~~
- ~~2.15.110 Official guide of City Sealer Correct or incorrect apparatus.~~
- ~~2.15.120 Same Testing at City supported institutions.~~
- ~~2.15.130 Same General testing.~~
- ~~2.15.140 Same Investigations.~~
- ~~2.15.150 Same Inspection of packages.~~
- ~~2.15.160 Same Stop use, stop removal, and removal orders.~~
- ~~2.15.170 Same Disposition of correct and incorrect apparatus.~~



- 1 2.15.180 — Same — Police powers — Right of entry and stoppage.
- 2.15.190 — Powers and duties of inspectors.
- 2 2.15.200 — Duty of owners of incorrect apparatus.
- 3 2.15.210 — Method of sale of commodities — General.
- 4 2.15.220 — Same — Declarations of quantity and origin on packages — Tolerances — Exemptions.
- 5 2.15.230 — Same — Declarations of unit price on random packages.
- 6 2.15.240 — Same — Misleading packages.
- 7 2.15.250 — Commodity in package form defined.
- 8 2.15.260 — Sale by net weight.
- 9 2.15.270 — Misrepresentation of price.
- 10 2.15.280 — Meat, fish, and poultry.
- 11 2.15.290 — Bread.
- 12 2.15.300 — Butter, oleomargarine, and margarine.
- 13 2.15.310 — Fluid dairy products.
- 14 2.15.320 — Flour, corn meal, and hominy grits.
- 15 2.15.330 — Fuels.
- 16 2.15.340 — Textile products.
- 17 2.15.350 — Berries and small fruits.
- 18 2.15.360 — Construction of contracts.
- 19 2.15.370 — Hindering or obstructing officers — Penalties.
- 20 2.15.380 — Impersonation of officer — Penalties.
- 21 2.15.390 — Offenses and penalties.
- 22 2.15.400 — Separability provision.
- 23 2.15.410 — Renewal of conflicting chapters.

24 **2.15.010 — Title and creation of the code.**

25 This chapter shall be known and designated as the ~~Weights and Measures Code~~, may be cited as such, and will be referred to herein as the Code.

26 **2.15.011 — Bureau of Standards Handbook adopted.**

The National Bureau of Standards Handbook No. 44, Second Edition, 1955, duly adopted by the National Conference on Weights and Measures, together with all amendments and supplements thereto, and the National Bureau of Standards Handbook No. 67, issued and published on March 20, 1959, be and the same are each hereby adopted by this reference, pursuant to the provisions of RCW 35.21.180, as the ~~Weights and Measures Code of the City of Tacoma~~; such adoption by reference, however, to be subject to any amendments and additions to the adopted Code as hereinafter set forth.

2.15.012 — Additional sections.

Additional sections, numbered and reading as hereinafter set forth, are hereby adopted as part of the ~~Weights and Measures Code of the City of Tacoma~~ and shall be a part thereof.

2.15.020 — System of weights and measures.

The system of weights and measures in customary use in the United States and the metric system of weights and measures are jointly recognized, and one or the other of these systems shall be used for all commercial purposes in the City. The definitions of basic units of weight and measure, the tables of weight and measure, and weights and measures equivalents, as published by the National Bureau of Standards, and recognized by the State of Washington, are recognized and shall govern weighing and measuring equipment and transactions in the City of Tacoma, Washington.

2.15.030 — Definitions of terms.

For the purpose of this chapter:

“Code” shall mean the ~~Official Weights and Measures Code of the City of Tacoma, Washington.~~



“Approved” shall mean approved by the Planning and Development Services Department, City of Tacoma, Washington.

1 “Person” shall mean both the plural and singular, as the case demands, and shall include individuals, partnerships, corporations, companies, societies and associations.

2 “Weight(s) and/or measure(s)” shall mean all weights and measures of every kind, all instruments and devices for weighing and measuring, and any appliances and accessories associated with any or all such instruments and devices.

3 “Sealer” shall mean the City Sealer of Weights and Measures.

4 “Inspector” shall mean a City Inspector of Weights and Measures.

5 **2.15.040 — Definitions of special units of measures.**

6 For the purpose of this chapter:

7 “Barrel” when used in connection with fermented liquor shall mean a unit of 31 gallons.

8 “Ton” shall mean a unit of 2,000 pounds avoirdupois weight.

9 “Cord” when used in connection with wood intended for fuel purposes shall mean the amount of wood that is contained in a space of 128 cubic feet, when the wood is raked and well stowed and one half the kerf of the wood is included.

10 “Load” when used in connection with planer ends intended for fuel purposes shall mean the amount of wood that is contained in a space of 192 cubic feet, random fill.

11 **2.15.050 — Definitions of specific commodities.**

12 For the purpose of this chapter:

13 “Meat” shall mean and include all animal flesh, carcasses, or parts of animals, and shall include fish, shell fish, game, poultry and meat food products of every kind and character, whether fresh, frozen, cooked, cured or processed.

14 “Poultry” shall mean all feathered fowl, domestic or wild, which is prepared, processed, sold or intended or offered for sale for human consumption.

15 “Fish” shall mean any water breathing animal, including shell fish, which is prepared, processed, sold, or intended or offered for sale, for human consumption.

16 **2.15.060 — State standards of weight and measure.**

17 Such weights and measures in conformity with the standards of the United States as have been supplied to the City by the State of Washington, or otherwise obtained by the City for use as City standards, shall, when the same shall have been certified as such by the State of Washington, be the City standards of weight and measure. The City standards shall be kept in a safe and suitable place in the office or laboratory of the City Sealer of Weights and Measures, they shall not be removed from the said office or laboratory except for repairs or for certification, and they shall be submitted at least once in five years to the State of Washington for certification. The City standards shall be used only in verifying the office or field standards and for scientific purposes.

18 **2.15.070 — Office and working standards and equipment.**

19 In addition to the City standards provided for in Section 2.15.060, there shall be supplied by the City such “field standards” and such equipment as may be found necessary to carry out the provisions of this chapter. The field standards shall be verified upon their initial receipt and at least once each year thereafter by direct comparison with City standards.

20 **2.15.080 — City Sealer and Inspectors of Weights and Measures.**

21 There shall be a City Sealer of Weights and Measures, referred to in this chapter as the City Sealer. There shall be City Inspectors of Weights and Measures, referred to in this chapter as Inspectors, and necessary



1 technical and clerical personnel, who shall be appointed from eligible lists prepared by the Civil Service
2 Board and under the rules of said board, and who shall collectively comprise the City Division of Weights
3 and Measures, of which the City Sealer shall be the head. The City Sealer shall be allowed for salaries for
4 himself, the inspectors, and the necessary technical and clerical employees, for necessary equipment and
5 supplies, and for traveling and contingent expenses, such sums as shall be appropriated by the City Council.

6 **2.15.090 — Bonds.**

7 A bond, with sureties, to be approved by the City Clerk, and conditioned upon the faithful performance of his
8 duties and the safekeeping of any standards or equipment entrusted to his care, shall forthwith, upon his
9 appointment, be given by the City Sealer and each inspector; the premiums on such bonds shall be paid by the
10 City.

11 **2.15.100 — General powers and duties of City Sealer.**

12 The City Sealer shall have the custody of the City standards of weight and measure and of the other standards
13 and equipment provided for by this chapter, and shall keep accurate records of the same. The City Sealer shall
14 enforce the provisions of this chapter. He shall have and keep a general supervision over the weights and
15 measures offered for sale, sold, or in use in the City.

16 **2.15.110 — Official guide of City Sealer — Correct or incorrect apparatus.**

17 In order that there may be eliminated from use, without prejudice to apparatus that conforms as closely as
18 practicable to the official standards, those weights, measures, weighing devices, or measuring devices (1) that
19 are not accurate, (2) that are of such construction that they are faulty—that is, that are not reasonably
20 permanent in their adjustment or will not repeat their indications correctly—or (3) that facilitate the
21 perpetration of fraud, the City Sealer shall use as his official guide in the enforcement of this chapter the
22 specifications, tolerances, and regulations for commercial weighing and measuring devices, together with
23 amendments thereto, as recommended by the National Bureau of Standards and published in National Bureau
24 of Standards Handbook 44 and supplements thereto, or in any publication of the National Bureau of
25 Standards revising or superseding Handbook 44, except insofar as these are specifically modified, amended,
26 or rejected by action of the City Council, and these specifications, tolerances and regulations shall have the
full force and effect of law. For the purposes of this chapter, apparatus shall be deemed to be “correct” when
it conforms to all such applicable specifications, tolerances, and regulations; other apparatus shall be deemed
to be “incorrect.”

2.15.120 — Same — Testing at City-supported institutions.

The City Sealer shall at least once annually test all weights and measures used in checking the receipt or
disbursement of supplies in every institution for the maintenance of which monies are appropriated by the
City Council, and he shall report his findings, in writing, to the supervisory board and to the executive officer
of the institution concerned.

2.15.130 — Same — General testing.

When not otherwise provided by law, the City Sealer shall have the power to inspect and test, to ascertain if
they are correct, all weights and measures kept, offered, or exposed for sale. It shall be the duty of the City
Sealer, at least annually and as much oftener as he may deem necessary, to inspect and test, to ascertain if
they are correct, all weights and measures commercially used (1) in determining the weight, measurement, or
count of commodities or things sold, or offered or exposed for sale, on the basis of weight or of measure, (2)
in computing the basic charge or payment for services rendered on the basis of weight or of measure, or (3) in
determining weight or measurement when a charge is made for such determination; provided, that with
respect to single service devices, that is, devices designed to be used commercially only once and to be then
discarded, and with respect to devices uniformly mass-produced, as by means of a mold or die, and not
suspectable of individual adjustment, the inspection and testing of each individual device shall not be required
and the inspecting and testing requirements of this section will be satisfied when inspections and tests are
made on representative sample lots of such devices; and the larger lots of which such sample lots are
representative shall be held to be correct or incorrect upon the basis of the results of the inspections and tests
on such sample lots.



2.15.140 — Same — Investigations.

1 The City Sealer shall investigate complaints made to him concerning violations of the provisions of this
2 chapter, and shall, upon his own initiative, conduct such investigations as he deems appropriate and advisable
3 to develop information on prevailing procedures in commercial quantity determination and on possible
4 violations of the provisions of this chapter and to promote the general objective of accuracy in the
5 determination and representation of quantity in commercial transactions.

2.15.150 — Same — Inspection of packages.

4 The City Sealer shall, from time to time, weigh or measure and inspect packages or amounts of commodities
5 kept, offered, or exposed for sale, sold, or in the process of delivery, to determine whether the same contain
6 the amounts represented and whether they be kept, offered, or exposed for sale, or sold, in accordance with
7 law; and when such packages or amounts of commodities are found not to contain the amounts represented or
8 are found to be kept, offered, or exposed for sale in violation of law, the City Sealer may order them off sale
9 and may mark or stamp them as "illegal." No person shall (1) sell, or keep, offer, or expose for sale any
10 package or amount of commodity that has been ordered off sale as provided in this section unless and until
11 such package or amount of commodity has been brought into full compliance with legal requirements, or (2)
12 dispose of any package or amount of commodity that has been ordered off sale and that has not been brought
13 into compliance with legal requirements, in any manner except with the specific approval of the City Sealer.

2.15.160 — Same — Stop use, stop removal, and removal orders.

10 The City Sealer shall have the power to issue stop use orders, stop removal orders, and removal orders with
11 respect to weights and measures being, or susceptible of being, commercially used, and to issue stop removal
12 orders and removal orders with respect to packages or amounts of commodities kept, offered, or exposed for
13 sale, sold, or in process of delivery, whenever in the course of his enforcement of the provisions of this
14 chapter he deems it necessary or expedient to issue such orders. No person shall use, remove from the
15 premises specified, or fail to remove from the premises specified, any weight, measure, or package or amount
16 of commodity contrary to the terms of a stop use order, stop removal order, or removal order issued under the
17 authority of this section.

2.15.170 — Same — Disposition of correct and incorrect apparatus.

15 The City Sealer shall approve for use and seal or mark with appropriate devices such weights and measures as
16 he finds upon inspection and test to be "correct" as defined in Section 2.15.110 of this chapter, and shall
17 reject and mark or tag as "rejected" such weights and measures as he finds, upon inspection or test, to be
18 "incorrect" as defined in Section 2.15.110 of this chapter, but which in his best judgment are susceptible of
19 satisfactory repair; provided, that the City Sealer, by written rule or order, may issue exemptions from the
20 sealing or marking requirements of this section with respect to weights and measures of such character or size
21 that such sealing or marking would be inappropriate, impracticable, or damaging to the apparatus in question,
22 and such sealing or marking shall not then be required with respect to such weights and measures as may thus
23 be exempted therefrom. The City Sealer shall condemn, and may seize and may destroy, weights and
24 measures found to be incorrect that in his best judgment are not susceptible of satisfactory repair. Weights
25 and measures that have been rejected may be confiscated and may be destroyed by the City Sealer if not
26 corrected as required by Section 2.15.200 of this chapter or if used or disposed of contrary to the requirements
of Section 2.15.200 of this chapter.

2.15.180 — Same — Police powers — Right of entry and stoppage.

22 With respect to the enforcement of this chapter and any other chapter dealing with weights and measures that
23 he is, or may be empowered to enforce, the City Sealer is hereby vested with special police powers, and is
24 authorized to arrest, without formal warrant, any violator of the said chapter and to seize for use as evidence,
25 without formal warrant, incorrect or unsealed weights and measures or amounts or packages of commodity,
26 found to be used, retained, offered or exposed for sale, or sold in violation of law. In the performance of his
official duties, the City Sealer is authorized to enter and go into or upon, without formal warrant, any
structure or premises, and to stop any person whatsoever and to require him to proceed, with or without any
vehicle of which he may be in charge, to some place which the City Sealer may specify.



2.15.190 — Powers and duties of inspectors.

The powers and duties given to and imposed upon the City Sealer by Sections 2.15.110 to 2.15.180, both inclusive, of this chapter are hereby given to and imposed upon the inspectors also, when acting under the instructions and at the direction of the City Sealer.

2.15.200 — Duty of owners of incorrect apparatus.

Weights and measures that have been rejected under the authority of the City Sealer shall remain subject to the control of the rejecting authority until such time as suitable repair or disposition thereof has been made as required by this section. The owners of such rejected weights and measures shall cause the same to be made correct within 30 days or such longer period as may be authorized by the rejecting authority; or, in lieu of this, may dispose of the same, but only in such a manner as specifically authorized by the rejecting authority. Weights and measures that have been rejected shall not again be used commercially until they have been officially re-examined and found to be correct or until specific written permission for such use is issued by the rejecting authority.

2.15.210 — Method of sale of commodities — General.

Commodities in liquid form shall be sold only by liquid measure or by weight, and commodities not in liquid form shall be sold only by weight, by measure of length or area, or by count; provided, that liquid commodities may be sold by weight and dry commodities may be sold by count only if such methods give accurate information as to the quantity of commodity sold; and provided further, that the provisions of this section shall not apply (1) to commodities when sold for immediate consumption on the premises where sold, (2) to vegetables when sold by the head or bunch, (3) to commodities when in package form or in containers standardized by Washington State or by Federal law, (4) to concrete aggregates, concrete mixtures, and loose solid materials such as earth, soil, gravel, crushed stone, and the like, when sold by cubic measure, or (5) to unprocessed vegetables and animal fertilizer when sold by cubic measure.

2.15.220 — Same — Declarations of quantity and origin on packages — Tolerances — Exemptions.

Except as otherwise provided in this chapter, any commodity in package form shall bear on the outside of the package a definite, plain, and conspicuous declaration of (1) the net quantity of the contents in terms of weight, measure, or count, and (2) in the case of any package not sold on the premises where packed, the name and place of business of the manufacturer, packer, or distributor; provided, that the qualifying term “when packed,” or words of similar import, shall not be used in connection with the declaration required under clause (1).

A. **Manufacturer, Packer, or Distributor — Name.** If a commodity is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such commodity, such as “Manufactured for and Packed by _____,” “Distributed by _____,” or other similar phrase that expresses the facts.

B. **Same — Address.** The statement of the place of business shall include the street address, if any, of such place, unless such street address is shown in a current City directory or telephone directory.

C. **Same — Principal Place of Business.** When a person manufactures, packs, or distributes a commodity at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where each package of such commodity was manufactured or packed or is to be distributed, if such statement is not misleading in any particular.

D. Quantity Statement.

1. The statement of the quantity of the contents shall reveal the quantity of the commodity in the package, exclusive of wrappers and other material packed with such commodity, and the qualifying term “when packed,” and words of similar import, shall not be used in connection with such statement of quantity.

2. The statement shall be expressed in the terms of weight, measure, numerical count, or a combination of numerical count and weight or measure, that are generally used by consumers and users to express quantity of such commodity and that give accurate information as to the quantity thereof. But if no general consumer



usage in expressing accurate information as to the quantity of such commodity exists, the statement shall be in terms of liquid measure if the commodity is liquid, or in terms of weight if the commodity is solid, semisolid, viscous, or a mixture of solid and liquid; except that such statement may be in terms of dry measure if the commodity is a fresh fruit, fresh vegetable, or other dry commodity. The quantity of textile materials shall be stated in terms of linear measure, except that, in the case of a commodity in respect to which there exists a definite trade custom otherwise, the statement may be in terms of weight and in accordance with such custom.

3. When any term common to two or more systems of weight or measure is employed in the quantity statement, said statement shall include the proper qualification of the term, as, for examples, “avoirdupois ounces” and “fluid ounces”; “liquid pints” and “dry pints”; “liquid quarts” and “dry quarts.”

E. Terms of Statements—Supplementary Statements.

1. A statement of weight shall be in terms of the avoirdupois pound and ounce. A statement of linear measure shall be in terms of the standard yard and foot and inch subdivisions thereof. A statement of liquid measure shall be in terms of the United States gallon of 231 cubic inches and quart, pint, and fluid ounce subdivisions thereof, and, except in the case of a frozen commodity which is so consumed, shall express the volume at 68 degrees Fahrenheit (20× Centigrade). A statement of dry measure shall be in terms of the United States bushel of 2,150.42 cubic inches and peck, dry quart, and dry pint subdivisions thereof; or in terms of the United States standard barrel for fruits and vegetables (except cranberries) and its subdivisions of third, half, and three quarters barrel; or in terms of the United States standard barrel for cranberries, and subdivisions thereof. However, in the case of an export shipment, the statement may be in terms of a system of weight or measure in common use in the country to which such shipment is exported. In the case of drugs, the statement may, as an alternative, be in terms of the kilogram, gram, milligram, liter, and millimeter or cubic centimeter.

2. A statement of weight or measure in the terms specified in subdivision 1 of this paragraph may be supplemented by a statement in terms of the metric system of weight or measure.

3. Unless an unqualified statement of numerical count gives accurate information as to the quantity of commodity in the package, it shall be supplemented by such statement of weight, measure, or size of the individual units of the commodity as will give such information.

4. Unless an unqualified statement of weight or measure gives accurate information as to the quantity of the contents in the package, it shall be supplemented by such statement of count or size of the individual units of the commodity as will give such information.

F. Fractions. Statements shall contain only such fractions as are generally used in expressing the quantity of the commodity. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two places, except in the case of drugs.

G. Required Units.

1. If the quantity of commodity in the package equals or exceeds the smallest unit of weight or measure that is specified in paragraph E of this section, and that is applicable to such commodity under the provisions of paragraph D.2 of this section, the statement shall express the number of the largest of such units contained in the package (for example, the statement on the label of a package that contains one quart liquid of commodity shall be “1 quart liquid,” and not “2 pints liquid” or “32 fluid ounces”), unless the statement is made in accordance with the provisions of subdivision 2 of this paragraph. Where such number is a whole number and a fraction, there may be substituted for the fraction its equivalent in smaller units, if any smaller unit is specified in such paragraph E (for examples, 1 3/4 quarts liquid may be expressed as “1 quart 1 1/2 pints liquid” or “1 quart 1 pint 8 fluid ounces”; 1 1/4 pounds may be expressed as “1 pound 4 ounces”). The stated number of any unit that is smaller than the largest unit (specified in such paragraph E) contained in the package shall not equal or exceed the number of such smaller units in the next larger unit so specified (for examples, instead of “1 quart 16 fluid ounces” the statement shall be “1 1/2 quarts liquid” or “1 quart 1 pint liquid”; instead of “24 ounces avoirdupois” the statement shall be “1 1/2 pounds” or “1 pound 8 ounces”).

2. In the case of a commodity with respect to which there exists an established custom of stating the quantity of the contents as a fraction of a unit, which unit is larger than the quantity contained in the package or as



units smaller than the largest unit contained therein, the statement may be made in accordance with such custom if it is informative to the consumers.

1 H. Minimum or Actual Quantity. The statement shall express the minimum quantity, or the actual quantity of
2 the contents of the package. If the statement is not so qualified as to show definitely that the quantity
3 expressed is the minimum quantity, the statement shall be construed as expressing the actual quantity of the
4 contents of the package.

5 I. Variations from Declared Minimum Quantity. Where the statement expresses the minimum quantity, no
6 variations below the stated minimum shall be permitted except variations below the stated weight or measure
7 caused by ordinary and customary exposure, after the commodity is sold and delivered by the manufacturer,
8 packer, or distributor, to conditions that normally occur in good distribution practice and that unavoidably
9 result in decreased weight or measure. Variations above the stated minimum shall not be unreasonably large.

10 J. Variations from Declared Quantity. Where the statement does not express the minimum quantity:

11 1. Variations from the stated weight or measure shall be permitted when caused by ordinary and customary
12 exposure, after the commodity is sold and delivered by the manufacturer, packer, or distributor, to conditions
13 that normally occur in good distribution practice and that unavoidably result in change of weight or measure;
14 but such variations shall not be permitted to such an extent that the average of the quantities in the packages
15 of a particular commodity comprising either a shipment or other delivery of the commodity or a lot of the
16 commodity that is kept, offered, or exposed for sale, or sold, is below the quantity stated.

17 2. Variations from the stated weight, measure, or numerical count shall be permitted when caused by
18 unavoidable deviations in weighing, measuring, or counting the contents of individual packages that occur in
19 good packing practice; but such variations shall not be permitted to such extent that the average of the
20 quantities in the packages of a particular commodity comprising either a shipment or other delivery of the
21 commodity or a lot of the commodity that is kept, offered, or exposed for sale, or sold, is below the quantity
22 stated, and no unreasonable shortage in any package shall be permitted, even though overages in other
23 packages in the same shipment, delivery, or lot, compensate for such shortage.

24 K. Tolerances. The extent of variations from the stated quantity of the contents permissible under paragraphs
25 I and J of this section in the case of each shipment, delivery, or lot shall be determined by the facts in such
26 ease.

L. Exemptions from Quantity Declarations. A package shall be exempt from the requirement that it be
marked with a statement of the quantity of its contents if:

1. The quantity of the contents, as expressed in terms applicable to such commodity, except in the case of a
drug or cosmetic, under the provisions of paragraph D.2 of this section is less than one-half ounce
avoirdupois, or less than one-half fluid ounce, or (in case the units of the commodity can be easily counted
without opening the package) less than six units; a drug shall be exempt from compliance with these
requirements if the quantity of the contents of the package, as expressed in terms of numerical count in
compliance with paragraph D.2 of this section, is less than six units, and such units can be easily counted
without opening the package; a cosmetic shall be exempt from compliance with these requirements if the
quantity of the contents of the package, as expressed in terms applicable to such cosmetic under the
provisions of paragraph D.2 of this section, is less than one-fourth ounce avoirdupois, or less than one-eighth
fluid ounce, or (in case the units of the cosmetic can be easily counted without opening the package) less than
six units; or

2. The statement of the quantity of the contents of the package, together with all other information required by
law to appear on the label, cannot, because of insufficient label space, be so placed on the label as to comply
with such requirements.

M. Exemptions from Name and Address Declarations. A package shall be exempt from the requirement that it
be marked with a statement of the name and place of business of the manufacturer, packer, or distributor if
the package is sold on the premises where packed, direct to the consumer or user, not to be resold.



N. Prominence of Declarations. Information required to appear on the label of a package may be considered to lack the requisite definiteness, plainness, and conspicuousness by reason, among other reasons, of:

- 1 1. The failure of such information to appear on the part or panel of the label that is presented or displayed
- 2 under customary conditions of purchase;
- 3 2. The failure of such information to appear on two or more parts or panels of the label, each of which has
- 4 sufficient space therefor, and each of which is so designed as to render it likely to be, under customary
- 5 conditions of purchase, the part or panel displayed;
- 6 3. The failure of the label to extend over the area of the container or package available for such extension, so
- 7 as to provide sufficient label space for the prominent placing of such information;
- 8 4. Insufficiency of label space (for the prominent placing of such information) resulting from the use of label
- 9 space for any word, statement, design, or device that is not required by or under authority of this chapter to
- 10 appear on the label;
- 11 5. Insufficiency of label space (for the prominent placing of such information) resulting from the use of label
- 12 space to give materially greater conspicuousness to any other word, statement, or information, or to any
- 13 design or device;
- 14 6. Smallness or style of type in which such information appears, insufficient background contrast, obscuring
- 15 designs or vignettes, or crowding with other written, printed, or graphic matter; or
- 16 7. The use of label space for any representation in a foreign language.

O. Language of Declarations. All information required by or under authority of this chapter to appear on the label or labeling shall appear thereon in the English language.

2.15.230 — Same — Declarations of unit price on random packages.

In addition to the declarations required by Section 2.15.220 of this chapter, any commodity in package form, the package being one of a lot containing random weights, measures, or counts of the same commodity, shall bear on the outside of the package a plain and conspicuous declaration of the total selling price, and a plain and conspicuous declaration of the price per single unit of weight, measure or count.

2.15.240 — Same — Misleading packages.

No commodity in package form shall be so wrapped, nor shall it be in a container so made, formed, or filled, as to mislead the purchaser as to the quantity of the contents of the package, and the contents of a container shall not fall below such reasonable standard of fill as may have been prescribed for the commodity in question by State law or regulation.

2.15.250 — Commodity in package form defined.

The term “in package form” as used in this chapter shall mean commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale, exclusive, however, of an auxiliary shipping container enclosing packages that individually conform to the requirements of this chapter. An individual item or lot of any commodity not in package form as defined in this section, but on which there is marked a selling price based on an established price per unit of weight or measure, shall be construed to be commodity in package form.

2.15.260 — Sale by net weight.

The word “weight” as used in this chapter in connection with any commodity shall mean net weight. Whenever any commodity is sold on the basis of weight, the net weight of the commodity shall be employed, and all contracts concerning commodities shall be so construed.

2.15.270 — Misrepresentation of price.

Whenever any commodity or service is sold, or is offered, or exposed, or advertised for sale, by weight, measure, or count, the price shall not be misrepresented, nor shall the price be represented in any manner calculated or tending to mislead or deceive an actual or prospective purchaser.



2.15.280 — Meat, fish, and poultry.

1 Except for immediate consumption on the premises where sold, or as one of several elements comprising a
2 meal sold, as a unit, for consumption elsewhere than on the premises where sold, all meat, meat products,
3 fish, and poultry, offered or exposed for sale or sold as food, shall be offered or exposed for sale and sold by
4 weight.

2.15.290 — Bread.

5 No person shall manufacture for sale, sell or offer or expose for sale, any bread except in the following
6 weights, which shall be the net weights at least 12 hours after baking: “standard small loaf”, which shall
7 weigh not less than 15 ounces and not more than 17 ounces; “standard large loaf”, which shall weigh not less
8 than 22.5 ounces and not more than 25.5 ounces; or multiples of the foregoing weights for the “standard small
9 loaf” and “standard large loaf”; provided, that variations at the rate of one ounce over and one ounce under
10 the foregoing, per “standard small loaf”, or one and one half ounce over or under per “standard large loaf”, or
11 any multiple of the foregoing variations per each multiple type loaf, in the above specified unit weights are
12 permitted in individual loaves, but the average weight of not less than 12 loaves of any kind of loaf shall not
13 be less than the weight hereinabove prescribed. It shall be unlawful to sell or expose for sale bread in a loaf of
14 such form that it has the appearance and size of a loaf of greater weight.

2.15.300 — Butter, oleomargarine, and margarine.

15 Butter, oleomargarine, and margarine shall be offered and exposed for sale and sold by weight, and when in
16 package form these commodities shall be packaged only in units of 1/4 pound, 1/2 pound, one pound, or
17 multiples of one pound, avoirdupois weight.

2.15.310 — Fluid dairy products.

18 All fluid dairy products, including but not limited to whole milk, skimmed milk, cultured milk, sweet cream,
19 sour cream, and buttermilk, shall be packaged for retail sale only in units of 1/2 liquid pint, one liquid pint,
20 one liquid quart, 1/2 gallon, one gallon, or multiples of one gallon.

2.15.320 — Flour, corn meal, and hominy grits.

21 When in package form, and when packed, kept, offered, or exposed for sale, or sold, wheat flour, whole
22 wheat flour, graham flour, self-rising wheat flour, phosphated wheat flour, bromated flour, enriched flour,
23 enriched self rising flour, enriched bromated flour, corn flour, corn meal, and hominy grits, shall be packaged
24 only in units of 5, 10, 25, 50, 100 pounds or multiples of 100 pounds, avoirdupois weight; provided, that
25 packages in units of less than three pounds or more than 100 pounds shall be permitted.

2.15.330 — Fuels.

26 A. All coal, coke and charcoal shall be sold by weight; all wood and oil by measure. Unless the fuel is
delivered to the purchaser in package form, each delivery to an individual purchaser shall be accompanied by
a duplicate delivery ticket on which, in ink or other indelible substance, there shall be clearly stated:

1. The name and address of the vendor.
2. The name and address of the purchaser.
3. Kind of fuel and net weight or measure of the delivery.

a. In the case of coal, coke and charcoal, the gross and tare weights from which the net weight is computed,
each expressed in pounds.

B. Liquid Fuel Tickets. One shall be retained by the vendor and the other shall be delivered to the purchaser
at the time of delivery of the fuel, or mailed to the purchaser not later than the next following business day.

C. Solid Fuel Tickets. One shall be retained by the vendor and the other shall be delivered to the purchaser at
the time of delivery of the fuel.

D. Surrender of Tickets. Both liquid and solid fuel tickets shall be, on demand, surrendered to the Director or
his deputy or inspector, or the City Sealer or Deputy Sealer, who, if he desires to retain it as evidence, shall
issue a weight slip in lieu thereof for delivery to the purchaser; provided, that if the purchaser carries away his



purchase, the vendor shall be required only to give to the purchaser at the time of sale a delivery ticket stating the net weight or liquid measure of the fuel delivered to him.

1 E. Nothing herein contained shall pertain to liquid fuels dispensed at the vendor's place of business through
2 permanently installed metered computing pumps.

3 **2.15.340 — Textile products.**

4 It shall be unlawful to keep for the purpose of sale, offer or expose for sale, or sell any textile yard goods put
5 up or packaged in advance of sale in a bolt or roll, or any other textile product put up or packaged in advance
6 of sale in any other unit, for either wholesale or retail sale, unless such bolt or roll, or such other unit, be,
7 definitely, plainly, and conspicuously marked to show its net measure in terms of yards or its net weight in
8 terms of avoirdupois pounds or ounces, subject, however, to the following limitations and requirements:

9 A. Any unit of twine or cordage may be marked to show its net measure in terms of feet. Ready wound
10 bobbins that are not sold separately shall not be required to be individually marked, but the package
11 containing such bobbins shall be marked to show the number of bobbins contained therein and the net weight
12 or measure of thread on each bobbin. Any unit of sewing, basting, mending, darning, crocheting, tatting,
13 hand knitting, or embroidery thread or yarn except nylon hand knitting yarn that is not composed in whole or
14 in part of wool, the net weight of which is less than two ounces avoirdupois, shall be marked to show its net
15 measure in terms of yards as unwound from the ball or from the spool or other holder. Any retail unit of a
16 textile product, sold only for household use, consisting of a package containing two or more similar
17 individual units that are not sold separately, shall be marked to show the number of individual units in the
18 package and the net weight or net measure of the product in each individual unit, but this proviso shall not
19 apply where the individual units are separately marked. Any unit of yarn, composed in whole or in part of
20 wool, sold to consumers for handiwork shall be marked to show the net weight of such yarn except that any
21 such unit of tapestry, mending, or embroidery yarn, the net measure of which does not exceed 50 yards, may
22 be marked to show its linear measure only.

23 B. The marking required by this section shall in all cases be in combination with the name and place of
24 business of the manufacturer, packer, or distributor of the product, or a trademark, symbol, brand, or other
25 mark that positively identifies such manufacturer, packer, or distributor.

26 C. A tolerance of three percent, based on a test of an average of not less than 10 units of the same type and
put up, to be selected at random, shall be permitted.

D. The provisions of this section shall not apply to the following textile products when sold at wholesale in
bulk by net weight: Cordage, agricultural bag sewing threads, twines, yarns that are to be processed, and
yarns that are to be industrially converted into end-use products.

2.15.350 — Berries and small fruits.

Berries and small fruits shall be offered and exposed for sale and sold only by weight or by measure in open
containers having capacities of one-half dry pint, one dry pint, or one dry quart; provided, that the marking
provisions of Section 2.15.220 of this chapter shall not apply to such containers.

2.15.360 — Construction of contracts.

Fractional parts of any unit of weight or measure shall mean like fractional parts of the value of such unit as
prescribed or defined in Sections 2.15.020 and 2.15.040 of this chapter, and all contracts concerning the sale
of commodities and services shall be construed in accordance with this requirement.

2.15.370 — Hindering or obstructing officers — Penalties.

Any person who shall hinder or obstruct in any way the City Sealer or any of his inspectors in the
performance of his official duties, shall be guilty of a misdemeanor, and upon conviction thereof shall be
punished by a fine of not less than \$20.00 or more than \$200.00, or by imprisonment for not more than three
months, or by both such fine and imprisonment.



2.15.380 — Impersonation of officer — Penalties.

Any person who shall impersonate in any way the City Sealer or any of his inspectors, by the use of his seal or a counterfeit of his seal, or in any other manner, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100.00 or more than \$300.00, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

2.15.390 — Offenses and penalties.

Any person who by himself or by his servant or agent, or as the servant or agent of another person, performs any of the acts enumerated in subparagraphs A through I of this section, shall be guilty of a misdemeanor and, upon a first conviction thereof, shall be punished by a fine of not less than \$20.00 or more than \$200.00, or by imprisonment for not more than 90 days, or by both such fine and imprisonment; and upon a second or subsequent conviction thereof, he shall be punished by a fine of not less than \$50.00 or more than \$300.00, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

A. Use, or have in possession for the purpose of using for any commercial purpose specified in Section 2.15.130, sell, offer, or expose for sale or hire, or have in possession for the purpose of selling or hiring, an incorrect weight or measure or any device or instrument used to or calculated to falsify any weight or measure.

B. Use, or have in possession for current use, in the buying or selling of any commodity or thing, or for hire or award, or in the computation of any basic charge or payment for services rendered on the basis of weight or measurement, or in the determination of weight or measurement when a charge is made for such determination, any weight or measure that has not been sealed by the City Sealer, his deputy, or one of his inspectors within one year, unless written notice has been given to the City Sealer, to the effect that such weight or measure is available for examination, or is due for re-examination, as the case may be, or unless specific written permission to use such weight or measure has been received from the office of the City Sealer.

C. Dispose of any rejected or condemned weight or measure in a manner contrary to law.

D. Remove from any weight or measure, contrary to law, any tag, seal, or mark placed thereon by the City Sealer or one of his inspectors, or substitute a different weight or measure for the one so tagged, sealed or marked.

E. Sell, or offer or expose for sale, less than the quantity he represents of any commodity, thing, or service.

F. Take more than the quantity he represents of any commodity, thing, or service when, as buyer, he furnishes the weight or measure by means of which the amount of the commodity, thing, or service is determined.

G. Keep for the purpose of sale, advertise, or offer or expose for sale, or sell, any commodity, thing, or service in a condition or manner contrary to law.

H. Use in retail trade, except in the preparation of packages put up in advance of sale and of medical prescriptions, a weight or measure that is not so positioned that its indications may be accurately read and the weighing or measuring operation observed from some position which may reasonably be assumed by a customer.

I. Violate any provision of this chapter for which a specific penalty has not been prescribed.

2.15.400 — Separability provision.

If any provision of this chapter is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the chapter and the applicability thereof to any person and circumstances shall not be affected thereby.

2.15.410 — Renewal of conflicting chapters.

All chapters and parts of chapters contrary to or inconsistent with the provisions of this chapter are repealed insofar as they might operate in the future; but as to offenses committed, liabilities incurred, and claims now existing thereunder, the existing law shall remain in full force and effect.



EXHIBIT "C"

TITLE 8 PUBLIC SAFETY

1 2 Chapters:

- 3 8.01 Penalty Provision
4 8.02 Abandoned Iceboxes
5 8.03 Defenses
6 8.04 Advertising
7 8.06 Aircraft
8 8.07 Baby Chicks and Rabbits
9 8.08 *Repealed*
10 8.09 *Repealed*
11 8.10 Deposit of Trash in or Around Charitable Donation Boxes
12 8.11 Arrest of Persons Subject to Court Order
13 8.12 Disorderly Conduct
14 8.13 Obstructing Pedestrians or Traffic
15 8.13A Regulation of Solicitation
16 8.13B Solicitations to Occupants of Vehicles on Public Roadways Prohibited
17 8.14 *Repealed*
18 8.16 Display of U.S. Flag Regulations
19 8.17 False Reports of Crime
20 8.18 Impersonating Peace Officer
21 8.20 Intoxicating Liquor
22 8.22 Larceny by Check
23 8.23 Public Nuisance Vehicles
24 8.24 Lubricating Oil – Labels
25 8.25 *Repealed*
26 8.26 [Medicines and Drugs, Samples](#)
8.27 Park Code
8.28 Narcotics
8.29 Drug Paraphernalia
8.30 Public Nuisances
8.30A Chronic Public Nuisance
8.31 *Repealed*
8.32 Indecent Acts
8.33 Urinating in Public
8.34 Places of Amusement – Alarm and Warning Systems
8.35 Preventing Neglect of Historic Properties
8.36 Places of Amusement – Card Playing
8.37 Theft
8.38 Prohibited Use of Non-FCC Certificated Transmitting Equipment in the Citizens Band
8.40 Poisons
8.42 Police Badges – Unauthorized Sales
8.44 Property – Offenses Against
8.45 Building Security Devices
8.46 Prostitution
8.48 [Slot and Pinball Machines](#)
8.49 Soliciting Magazine Subscriptions, Etc.
8.50 *Repealed*
8.52 Street Cars and Buses – Sale of Transfers – Smoking
8.56 *Repealed*
8.58 Uniform of Armed Services – Wearing



- 1 8.60 Unlawful Assembly
- 8.62 Used Cars – Equipment
- 2 8.64 Voting – Soliciting Near Polls
- 8.66 Weapons
- 3 8.67 Firearms
- 8.70 Municipal Court Jurisdiction
- 4 8.72 Drug-related Loitering
- 8.74 Telephone Harassment and Cyberstalking
- 5 8.75 Determination of Indigency for Legal Counsel
- 8.76 Assault in the Fourth Degree
- 6 8.77 Criminal Mistreatment
- 8.78 Reckless Endangerment
- 7 8.79 Coercion
- 8.80 Harassment
- 8.81 Jennifer Paulson Stalking Protection Order Act
- 8.82 Interfering With the Reporting of Domestic Violence
- 8 8.83 Failing to Summon Assistance
- 8.84 Sexual Assault Protection Order Act
- 9 8.85 Escaping from Jail
- 8.90 *Repealed*
- 10 8.92 *Repealed*
- 8.94 Injuring Fire Equipment – False Alarms
- 11 8.96 Civil Emergency
- 8.97 Fourth of July Festivities Regulation
- 12 8.98 Professional Strikebreakers
- 8.100 Gambling
- 13 8.102 Body Painting
- 8.104 Police Dogs
- 14 8.105 Domestic Violence
- 8.106 *Repealed*
- 15 8.107 Violation of Civil Anti-harassment Protection Order
- 8.108 Parking in Congested Areas
- 16 8.109 Curfew Hours for Minors
- 8.110 Inhaling Toxic Fumes
- 17 8.120 Graffiti
- 8.122 Noise Enforcement
- 18 8.130 Sale or Distribution of Deactivated Hand Grenades to Minors
- 8.140 Regulation of Purchase/Sale of Ephedrine
- 19 8.150 Prohibition of Sexual Encounter Establishments
- 8.160 Stay Out of Drug Areas (SODA) Orders – Violation
- 20 8.170 Stay Out of Areas of Prostitution (SOAP) Orders – Violation

21 * * *

Chapter 8.26
MEDICINES AND DRUGS, SAMPLES

23 **Sections:**

- 24 ~~8.26.010 — Distributing samples prohibited.~~
- 24 ~~8.26.020 — Violation — Penalty.~~

25 **8.26.010 — Distributing samples prohibited.**

26 ~~It shall be unlawful for any person to scatter or distribute upon any of the streets, alleys, public places or parks or upon private grounds or premises in the City of Tacoma any advertising matter consisting of or~~



containing any sample of any drug or medicine, unless the same be handed to and taken by an adult person, and unless the person or persons distributing the same is a regularly licensed distributor or a bona fide regularly employed employee of the same, as provided by Ordinance No. 1978.³

8.26.020 — Violation — Penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$500.00 or by imprisonment in the Pierce County Jail for a period of not more than six months, or by both such fine and imprisonment.

* * *

**Chapter 8.48
SLOT AND PINBALL MACHINES**

Sections:

8.48.010 — Slot and pinball machines declared nuisance.

8.48.020 — Devices tending to promote gambling or loitering declared nuisance.

8.48.030 — Unlawful to keep or maintain machine.

8.48.040 — Application of chapter.

8.48.050 — Effective date.

8.48.060 — Severability.

8.48.070 — Violations — Penalty.

8.48.010 — Slot and pinball machines declared nuisance.

All slot machines, pinball machines and machines or devices designated or designed to be operated or used for the playing of a game, or for the operation thereof, upon the insertion or payment of a coin, trade check or other thing of value wherein the element of chance or a combination of the elements of skill and chance are involved which do or which may deliver to the customer or player thereof any money, token, check, chip, slug or other thing of value, or other thing entitling said customer or player to, or by means of which said customer or player can, operate said machine or device again, for gain or amusement, is hereby declared to be a nuisance.

8.48.020 — Devices tending to promote gambling or loitering declared nuisance.

All machines or devices designated or designed to be operated or used for the playing of a game, or for the operation thereof, upon the insertion or payment of a coin, trade check or other thing of value, whether based on skill or chance or a combination thereof, which lends or tends to directly or indirectly encourage or incite or promote gambling or loitering, is hereby declared to be a nuisance.

8.48.030 — Unlawful to keep or maintain machine.

It shall be unlawful to keep or maintain for use by others, or to permit such use by others, of such machines or devices. Each day said machine or device is kept or maintained for use, or the use thereof by others permitted, shall be considered a separate offense.

8.48.040 — Application of chapter.

The provisions of this chapter shall not apply to machines owned and operated exclusively for the sale of merchandise, where neither the element of chance or skill are involved. But if such machines are so constituted or arranged so as to pay the customer or person operating the same, in some instances, more merchandise than in other instances such last described machines are subject to the provisions of this chapter, and the prohibitive provisions of the chapter apply to such machines.

8.48.050 — Effective date.

This chapter shall take and be in full force and effect from and after midnight December 31, 1956.

³ Code reviser's note: Ord. No. 1978 no longer exists.



8.48.060 — Severability.

1 ~~Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling~~
2 ~~legislative intent of the Council that if any provision of this chapter, or the application thereof to any~~
3 ~~person or circumstances, is held invalid, the remainder of the chapter and the application of such~~
4 ~~provision to persons or circumstances other than those as to which it is held invalid, shall not be affected~~
5 ~~thereby.~~

6 ~~Insofar as the provisions of this chapter are inconsistent with the provisions of any other law, the~~
7 ~~provisions of this chapter shall be controlling.~~

8.48.070 — Violations — Penalty.

8 ~~Every person who shall violate any of the provisions of this chapter shall be deemed guilty of a~~
9 ~~misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding \$500.00, or by~~
10 ~~imprisonment in the Pierce County Jail for a period not exceeding six months, or by both such fine and~~
11 ~~imprisonment.~~

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EXHIBIT "D"

TITLE 9
PUBLIC WAYS

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Chapters:

- 9.02 Banners over Streets
- 9.04 Repealed
- 9.06 Repealed
- 9.08 Street Occupancies
- 9.10 Moving Buildings
- 9.12 Numbering Buildings
- 9.14 ~~Railroad Trains~~
- 9.16 Streets and Sidewalks – Keeping Clean
- 9.17 Private Use of Street Right-of-Way
- 9.18 Trees and Shrubs – Trimming and Removal
- 9.19 Trees and Shrubs – Planting
- 9.20 Trees and Shrubs – View Blockage
- 9.22 Vacation of Streets
- 9.24 Minimum Vertical Clearance
- 9.26 Special Lighting Permits
- 9.28 ~~Pedestrian Mall~~
- 9.30 Fourth of July Concessions
- 9.35 Hydroplane Races
- 9.40 Repealed

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~~Chapter 9.14
Railroad Trains~~

~~Sections:~~

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

~~9.14.010 — Train crew.~~

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

~~While engaged in switching operations during periods when sight distance is less than 100 feet due to smoke, steam, or adverse weather conditions, the use of flares shall be mandatory at all non-signalized grade crossings.~~



9.14.020 — Blocking use of street.

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

9.14.030 — Switching during peak traffic hours.

6 Notwithstanding any other provisions of this chapter, no switching operations shall be allowed on or
7 across Puyallup Avenue, East 11th Street, South 56th Street or East 72nd Street between the hours of
8 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m., except on Saturdays, Sundays, and legal holidays.

9.14.040 — Switching operations defined.

8 Switching operations shall be defined as any of the following: The starting and stopping, coupling and
9 uncoupling and/or moving back and forth of engines, trains, or parts of trains while in the process of
10 making up or breaking up trains.

9.14.050 — Speed limit.

11 Maximum allowed speed shall be no more than 25 m.p.h.; exceptions: 40 m.p.h. north and west of South
12 4th Street Bridge at Schuster Parkway to South 19th Street at south City Limits (Burlington Northern
13 Main Line), and 35 m.p.h. at McCarver Street, 6th Avenue and South 19th Street main line crossings and,
14 further, except passenger trains on the main line of Burlington Northern.

9.14.060 — Violation — Penalty.

14 The switchmen, switching foreman, or trainman in charge of and directing the operation of the train or
15 part thereof who violates the provisions of this chapter shall be subject to a fine not exceeding \$100.00
16 upon conviction thereof.

* * *

**Chapter 9.28
Pedestrian Mall**

Sections:

- 18 9.28.010 — Purpose.
- 19 9.28.020 — Location.
- 20 9.28.030 — Vehicular traffic limited.
- 21 9.28.035 — Vehicular traffic allowed.
- 22 9.28.040 — Improvements on pedestrian mall.
- 23 9.28.050 — Regulation of pedestrian mall.
- 24 9.28.060 — Temporary vehicular use permit.
- 25 9.28.070 — Shrubbed, flowered areas — Covering structures.
- 26 9.28.080 — Activity event permits.
- 9.28.090 — Procedure to obtain permit.
- 9.28.100 — Interference with mall activity events operating under a permit.
- 9.28.110 — Duration of permits — Additional activities authorized.
- 9.28.120 — Appeals.
- 9.28.130 — Responsibility of mall activity event sponsor.
- 9.28.140 — Definition of mall activity event.
- 9.28.150 — Definition of sponsor.
- 9.28.160 — Other responsibilities of sponsor.



~~9.28.170 — Contract with mall organization.~~

~~9.28.180 — Violations — Penalties.~~

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9.28.010 — Purpose.

The purpose of this chapter is to establish a pedestrian mall in accordance with Chapter 35.71 RCW, to be used primarily by pedestrians, and the regulation and limitation of vehicular traffic thereon to afford maximum protection to such pedestrians.

9.28.020 — Location.

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

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

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

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

~~This description includes that part of right of way lying adjacent to Blocks 905, 906, 1105, 1106, and the Rainier Street vacation as per Ordinance No. 59 and projections thereof, as shown on the Map of New Tacoma, Washington Territory.~~

9.28.030 — Vehicular traffic limited.

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

~~A. Use by emergency vehicles, such as police, fire and ambulance vehicles and vehicular use necessary for authorized governmental functions utilizing City governmental vehicles.~~

~~B. Use by vehicles to provide the service of loading and unloading goods and produce for business establishments and retailers abutting upon the pedestrian mall; provided, however, that such service vehicular use shall be limited to the hours of 1:00 a.m. to 10:30 a.m.; and provided, further, that the operators of any such vehicle shall at all times watch for pedestrians within the pedestrian mall and yield the right of way thereto and such vehicles shall be operated upon the pedestrian mall in accordance with such speed limits and other rules and regulations as may from time to time be established by the City.~~

~~C. Temporary vehicular use which is absolutely essential as determined by the City Manager or his authorized delegate for the repair of utilities and the repair, construction or reconstruction of buildings or other structures abutting the pedestrian mall; provided, however, that such vehicular use shall only be allowed after issuance of a proper permit by the City Manager, or his authorized delegate, in accordance with rules and regulations to be established by the City.~~

~~D. Temporary vehicular use which is absolutely essential, as determined by the City Manager or his authorized delegate, for the carrying on of a mall activity pursuant to an activity permit duly issued pursuant to this chapter, said use to be as restricted in the activity permit issued thereunder.~~



9.28.035 — Vehicular traffic allowed.

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

9.28.040 — Improvements on pedestrian mall.

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

9.28.050 — Regulation of pedestrian mall.

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

9.28.060 — Temporary vehicular use permit.

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

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

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



C. Subsequent to the issuance of a permit as provided by the preceding subsection, the vehicle to which the permit pertains shall be operated only in accordance with the requirements of the permit. The permit shall be displayed on the vehicle in such a manner that it is readily visible from outside the vehicle.

9.28.070 — Shrubbed, flowered areas — Covering structures.

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

9.28.080 — Activity event permits.

Any person, group of persons, association, club, charity, school, firm, corporation, governmental organization, or others, may obtain a mall activity event permit as provided in Section 9.28.090.

9.28.090 — Procedure to obtain permit.

A mall activity event permit may be obtained as follows:

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

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

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

1. Maintain the free flow of pedestrian traffic into, in and from the mall and into and from private premises in the vicinity of the mall;

2. Minimize danger to public health, peace and safety and to public and private property;

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

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

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

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

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

1. The names and addresses of each permittee;

2. The effective date of such permit and the expiration date thereof;

3. The date on or before which the activity shall cease;

4. A description of the activity;



5. The location on the mall where the activity will take place;

6. The fee charged or other charges, if any, for City services as set forth in subsection 9.28.090D above;

7. A statement signed by each permittee that he has read and understands such permit and all of the requirements, terms and conditions thereof and that he accepts and agrees to abide and be bound by the same;

8. When the City agrees at the request of the permittee to provide City services, then the permit will include a statement wherein the permittee agrees to appear for, defend, indemnify and hold harmless the City with respect to all claims, demands, actions or other proceedings in respect to all losses, costs and expenses of every kind, nature and source whatsoever arising out of or pertaining to the application for, or the exercise or enjoyment of, such permit or the existence or conduct of the activity referred to in such permit.

F. An activity event in the mall by permit granted in accordance with this section is to be carried on in accordance with whatever conditions the permit specifies. Failure to conform to the conditions shall constitute cause for summary revocation of the permit by any authorized officer of the City.

9.28.100 — Interference with mall activity events operating under a permit.

Except as herein provided, no person shall intentionally interfere with or disrupt any activity carried on in the mall under a mall activity event permit granted pursuant to Section 9.28.090 of this section.

9.28.110 — Duration of permits — Additional activities authorized.

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

9.28.120 — Appeals.

Any applicant for a mall activity event permit or property owner or tenant abutting on the mall aggrieved by the issuance or denial of a mall activity event permit may, within 24 regular City office hours, appeal such action by filing a written notice of appeal with the City Clerk. Such notice of appeal shall be in writing, shall contain the name and address of the appellant, a description of the interest of appellant in the action appealed from, a statement of the particular action objected to, the reasons for such objections and the facts supporting such reasons. If a permit has been issued, upon the proper filing of a notice of appeal, the permit shall be suspended until the appeal is decided. Within not less than five, nor more than 15 days after the filing of such notice of appeal, the City Clerk shall cause the same to be placed upon the agenda of the regular session of the City Council and shall give not less than five days' written notice to the City Manager or his designee, each affected applicant, and each appellant at the address shown on the notice of appeal, of the time and place such appeal will be heard and considered by the Council. At the regular session so fixed or at any adjournment thereof, the Council shall hear and consider such appeal and shall grant or deny the same by resolution. Such action by the Council shall be final.

9.28.130 — Responsibility of mall activity event sponsor.

All mall activity events shall be the responsibility of those who sponsor said activity. The sponsor shall be responsible for cleaning the mall and removing debris from the area of the mall where the activity event takes place. All cleaning will be done at the conclusion of each day's activities. Upon failure to comply with the provisions of this section, the City shall have the right to assess and collect from said sponsor the cost incurred by the City in such cleanup and removal of debris necessitated by the sponsored



activity event, together with the right to assess and collect from said sponsor a penalty or fine in the amount of \$100.00.

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9.28.140 — Definition of mall activity event.

~~For the purpose of this chapter, “mall activity events” are activities conducted for profit, charitable purpose, group entertainment or for the intended purpose of obtaining the attention of others.~~

9.28.150 — Definition of sponsor.

~~For the purpose of this chapter, a “sponsor” is a person, group of persons, association, club, charity, school, firm, corporation, governmental organization and others who organize and/or conduct mall activity events as specified in Section 9.28.140.~~

9.28.160 — Other responsibilities of sponsor.

~~Each sponsor shall display, upon request, to any designated City official, his permit to conduct a mall activity event, or, if he sponsors activities without such a permit, he shall provide his name, address and telephone number when this is requested by such City official.~~

9.28.170 — Contract with mall organization.

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

9.28.180 — Violations — Penalties.

~~Any person violating Section 9.28.060 or Section 9.28.030 of this chapter shall be guilty of a traffic infraction.~~



EXHIBIT "E"

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Chapter 12.12
TRANSIT SYSTEM—RATES, FARES AND CHARGES

Sections:

- ~~12.12.010 — School fares.~~
- ~~12.12.020 — Student fares.~~
- ~~12.12.030 — Regular or adult fare.~~
- ~~12.12.035 — Downtown — County City Building route.~~
- ~~12.12.040 — Additional fare — Outside City limits.~~
- ~~12.12.060 — Discounts granted.~~
- ~~12.12.070 — Charter service charges.~~
- ~~12.12.080 — Sunday passes.~~
- ~~12.12.090 — Senior citizens and handicapped persons — Fares.~~
- ~~12.12.100 — Prohibited conduct.~~
- ~~12.12.110 — Youth summer passes.~~
- ~~12.12.120 — Monthly passes.~~
- ~~12.12.130 — Shuttle employment trips for physically handicapped.~~

12.12.010 — School fares.

The fare for all school children within the City of Tacoma shall be \$0.20, the tickets for which fares may be purchased by all school children at all schools where they attend, and shall be valid from 7:00 a.m. until 5:30 p.m. on all school days and shall be used only for the purposes of the children going to and from school.

12.12.020 — Student fares.

The fare for all students within the City shall be \$0.20; providing, however, such student shall at all times carry on his person an identification card as evidence that he is a student and entitled to such reduced fare, which card shall be exhibited to the bus driver at any time a request for identification of a student is made.

12.12.030 — Regular or adult fare.

The fare for all other persons within the City of Tacoma shall be \$0.25.

12.12.035 — Downtown — County City Building route.

There is hereby established in the City of Tacoma a special route extending from South 11th and Pacific Avenue in the City of Tacoma to South 11th Street and Tacoma Avenue in the City of Tacoma. Any person may board any bus traversing along said route and ride the same between the termini thereof for a fare of \$0.10 between the hours of 7:30 a.m. and 5:30 p.m. on any working day. A working day, for the purposes of this section, shall mean any day that all offices in the County City Building are open for business.

12.12.040 — Additional fare — Outside City limits.

In addition to the regular adult and student fares provided for in this chapter, the following additional fare shall be collected from and paid by all passengers, to-wit:

A. From 96th and South Park Avenue (City limits) to South 133rd and Pacific Avenue, \$0.10; and from South 133rd and Pacific Avenue to the end of the bus line at Spanaway Park or any intermediate point, an additional five cents.

B. From Orchard Street and Regents Boulevard to Alameda Avenue (Fircrest), \$0.05.



C. From South 19th Street and Grandview Avenue to South 19th Street and Jackson Avenue (University Place), \$0.05.

D. From the City limits to South 70th and Old Highway 99, \$0.25; handicapped persons and senior citizens, \$0.15.

E. From 70th Street and Old Highway 99, to the interconnection point with Metro at South 348th Street, \$0.25; handicapped persons and senior citizens, \$0.10.

12.12.060— Discounts granted.

The Director of Transit, with the approval of the City Manager, is hereby authorized to grant to any person, corporation, group or association a 10 percent discount on all regular fares when free rides are granted to the public for trade stimulation purposes or other purposes conducive to the best interests of the City.

12.12.070— Charter service charges.

The Director of Transit, with the approval of the City Manager, is authorized to charter buses of the transit system at reasonable rates and charges, depending on the facts and circumstances of each charter; provided, however, no buses shall be chartered at less than the actual necessary expenses required for such charter services.

12.12.080— Sunday passes.

On each Sunday there may be issued and sold Sunday passes for the sum of \$0.60 per pass. Said Sunday passes shall, on the date they are issued and sold, entitle the purchasers thereof to ride on any and all transit buses operated by the Tacoma Transit System at any and all times and as frequently as the purchasers may desire.

12.12.090— Senior citizens and handicapped persons— Fares.

Notwithstanding any other provision of this chapter, any patron of the Tacoma Transit System of the age of 60 years or more or any handicapped person who has been issued a pass by the Transit Department shall be entitled to ride upon any and all transit buses operated by the Tacoma Transit System at any time upon payment of a fare of \$0.10; provided such persons shall exhibit to the driver at the time of paying such fare, in the case of senior citizens: (a) a proper identification card authorized to be issued by the City of Tacoma upon payment of a \$0.50 charge therefor, or (b) a Medicare identification card, together with other suitable data sufficiently identifying such person as having attained the age of 60 years or more; or in the case of handicapped persons, a \$0.50 pass issued by the Transit Department of the City of Tacoma, which pass shall be issued upon such person making application therefor and establishing to the satisfaction of Department representatives that they have a handicap meeting the criteria heretofore established by the Department in accordance with Section 5 of the Urban Mass Transportation Act of 1964 as amended. Senior citizens and handicapped persons who are entitled to receive reduced fares under the terms of this section shall, in addition, pay the fares specified in subsections D and E of Section 12.12.040 hereof in order to be entitled to ride on the portion of the bus line interconnecting with Metro outside the Tacoma City Limits.

12.12.100— Prohibited conduct.

The playing of radios, tape recorders and other sound producing devices upon regularly scheduled transit buses by passengers thereon is prohibited. Failure and refusal to desist from such activities upon request having been made by the transit bus operator shall constitute cause for removal and exclusion of the offending party from the transit bus without refund of any fare paid.

12.12.110— Youth summer passes.

During the summer months, commencing with the Monday following the dismissal of public schools in the City of Tacoma and terminating on the day after Labor Day, there may be issued and sold Youth Summer Passes for the sum of \$10.00 for said entire period, or for the sum of \$7.00 for the period from July 1st to the day following Labor Day, or for the sum of \$5.00 for the period from August 1st to the day following Labor Day, which passes shall be sold only to youth within the City of Tacoma between the



ages of six and 18 years, inclusive. Purchasers thereof shall be allowed unlimited rides on any and all Transit buses operated by the Tacoma Transit System at any and all times of the day.

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~~12.12.120 Monthly passes.~~

~~In order to meet the needs of the citizens of the City of Tacoma, the Council hereby establishes a transit fare to allow for monthly pass rates in the sum of \$10.00 per month for adults, and \$2.50 per month for the elderly, who are over 60 years of age, and the handicapped, who have been issued passes by the Transit Department, for limited rides in that month upon all transit buses operated by the Tacoma Transit System, said passes to be good for an unlimited number of rides in the month of issuance.~~

~~12.12.130 Shuttle employment trips for physically handicapped.~~

~~Those persons physically handicapped to the extent that they are unable to use regular transit coaches as a means of transportation to and from their places of employment, and therefore rely on Transit Demand Response Service ("Shuttle") shall be charged a fare of \$0.50 for each way on the Shuttle Buses for their employment trips.~~



EXHIBIT "F"

TITLE 15⁴
AIRPORTS

Chapters:

- 15.02 General Provisions
- 15.04 Airport Use
- 15.06 Aircraft Operation
- 15.08 Minimum Functional Standards
- 15.10 Fueling, Loading, and Transporting Fuel or Contaminants
- 15.12 Motor Vehicles
- 15.14 General Safety Rules
- 15.16 Conduct
- 15.18 Emergency Procedures
- 15.20 Rates and Charges

Chapter 15.02
GENERAL PROVISIONS

Sections:

- 15.02.010 — Declaration of authority.
- 15.02.020 — Airport description.
- 15.02.030 — Definitions.
- 15.02.040 — Airport Manager.
- 15.02.050 — Gender and number.

15.02.010 — Declaration of authority.

The rules and regulations for the Tacoma Narrows Airport ("Airport") are promulgated in this title pursuant to the power granted by the Municipal Airports Acts of 1941 and 1945 and Chapters 14.07 and 14.08 of the Revised Code of Washington ("RCW"). For the purpose of this title, unless specifically otherwise provided, the descriptions and definitions of words, terms, and phrases appearing in this chapter shall apply throughout and shall be liberally construed, consistent with the authority granted under state law, to accomplish the purpose of regulating and operating said Airport.

15.02.020 — Airport description.

A. Location. The Airport is located at Latitude 47 degrees 16' 04.552" North, Longitude 122 degrees 34' 41.159" West, approximately 5 miles west of the Tacoma Central Business District on the Gig Harbor Peninsula. The Airport elevation is 292 feet above mean sea level and has an area of approximately 567 acres.

B. Runway. The Airport has one runway, R17/35, of 5,002 feet in length and 150 feet in width, with gross weight bearing capacity of 50,000 lb. single wheel, 80,000 lb. dual wheel, 80,000 lb. dual tandem wheel and 150,000 lb. double dual tandem wheel main landing gear configuration. The runway is equipped with medium intensity runway lights and an instrument landing system with approach indicators.

C. Taxiways. The Airport runway is supported by 75 foot wide taxiways with medium intensity taxiway lights, signs, and markers.

⁴Title 15 was repealed and reenacted in its entirety by Ord. 27416 §1, passed Oct. 11, 2005. Prior references include Ord. 20271 §2, passed Dec. 26, 1974; Ord. 19402 §1, passed Jul. 20, 1971; Ord. 17450 §1, passed Sep. 24, 1963.



1 D. Hours of Operation. The control tower is staffed and operated during only those daytime hours as provided by the Federal Aviation Administration (“FAA”). The runway lights are left on all night and the field is operational 24 hours a day.

2 E. Facility Ownership. The Airport is owned by the City of Tacoma (“City”). The control tower is operated by the FAA. The Airport is administered by the City of Tacoma Airport Manager.

3 **15.02.030—Definitions.**

4 A. “Aircraft Movement Area” or “Movement Area” means the area designated by agreement with the FAA and by marking as the area intended exclusively for aircraft operations such as takeoff, landing, taxiing, safety areas, and FAA approach equipment areas and that is under the control of FAA air traffic controllers when they are on duty.

6 B. “Airport” means the Tacoma Narrows Airport.

7 C. “Airport Manager” means the Airport Manager of the Tacoma Narrows Airport.

8 D. “Apron” means the paved area used for aircraft parking or tiedown but which is not intended to be used as an aircraft movement area, such as a taxiway.

9 E. “City” means the City of Tacoma.

10 F. “FAA” means the United States Federal Aviation Administration and includes any party with whom the United States Federal Aviation Administration has contracted to perform duties otherwise under its jurisdiction.

11 G. “Fixed Base Operator” (“FBO”) means a tenant authorized by written agreement with the City to provide a variety of aeronautical services at the Airport under compliance with such agreement and pursuant to these regulations and standards. By definition, an FBO has a “fixed base” of operations, i.e., an office, hangar, or shop on the Airport approved for commercial operations.

14 H. “Hazardous Materials” means any material designated as a hazardous or dangerous waste pursuant to or exhibiting any of the physical, chemical, or biological properties described as hazardous substances in WAC 173-303.

15 I. “Minimum Functional Standards” means standards to protect and promote the best interests of the public by providing competent and qualified operation of aviation activities at the Airport.

17 J. “NOTAMS” means Notice to Airmen containing information concerning the establishment, condition, or change in any aeronautical facility, service, procedures, or hazard, the timely knowledge of which is essential to personnel concerned with flight operations.

18 K. “Operator” means any person who uses the Airport for purposes of taxiing, flying, or maintaining an aircraft.

20 L. “Taxiway” means all areas designated as public use taxiways and used for exclusive use of aircraft movement while on the ground, but shall not include any areas under lease to a tenant or lessee on the Airport grounds.

21 M. “Tenant” means a person who enters into a written or oral agreement with the City for the purpose of engaging in a business or other authorized occupancy on Airport premises.

22 **15.02.040—Airport Manager.**

23 A. Appointment. The Airport Manager shall be appointed by the Director of the department to which the Airport is assigned.

24 B. Authority. Subject to the Tacoma City Charter and applicable state law governing municipal airports, the authority for the construction, enlargement, improvement, maintenance, management, operation, and regulation of the Airport and Airport property is vested in the executive branch. The Airport Manager shall be the executive manager of the Airport and shall be responsible for the management and operation of the Airport, whose authority shall include, but not be limited to, the power to:



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~~1. Hire, retain, discipline, discharge, and, in all respects, manage such employees as are necessary to the operation of the Airport, including fire protection and security personnel as specified under federal, state, and local requirements; provided, that the City Council shall approve all collective bargaining agreements between the City and unions representing Airport employees.~~

~~2. Perform all acts necessary and incidental to the powers of the Airport Manager as stated in this title, including negotiation of leases and contracts and approval of subleases, subject to City Council approval as may be required by the Tacoma City Charter or the Tacoma Municipal Code. Leases must be consistent with Chapter 15.08 of the Tacoma Municipal Code, Minimum Functional Standards, but the Airport Manager may develop additional terms and conditions as appropriate.~~

~~3. Institute operational regulations for the Airport, consistent with the Tacoma City Charter and the provisions of the Tacoma Municipal Code.~~

~~4. Issue NOTAMS and close the Airport, if necessary, for safety reasons.~~

~~5. Establish aircraft storage charges, fuel flowage fees, and landing fees; provided, that such charges are applied equally to all users of the same class and provided that 30 days' notice of changes in fees and charges is provided to the public. A current copy of rates, fees, and charges will be available upon request from the Airport Manager's office.~~

~~6. The foregoing powers of the Airport Manager shall be exercised subject to the following additional conditions:~~

~~a. All expenditures and incurring of obligations to pay money, including all wages, salary, compensation, and price paid for any materials, equipment, services, or otherwise, shall be made in accord with the budget approved by the City Council, the provisions of Chapter 1.06 TMC, and all applicable budgetary laws and regulations of the state of Washington and the City.~~

~~b. All rules and regulations adopted and enforced and other acts performed shall conform to and be consistent with the laws of the state of Washington, including Chapter 14.08 RCW, and shall be kept in conformity, and nearly as may be, with the then current federal legislation and regulations governing aeronautics and the rules or standards issued from time to time pursuant thereto.~~

~~c. Charges shall be reasonable and uniform and for the same class of service and established with due regard to the property and improvements used in the expense of operation to the Airport fund and the City.~~

~~d. Any lease with a term of five years or longer must be approved by the City Council.~~

~~e. Insurance requirements for contractors and tenants shall be established in coordination with the City's Risk Manager and shall be uniform for all operators of the same class.~~

~~f. The Airport Manager shall publish amendments to the rules and regulations of the Airport in accord with the Tacoma City Charter publication provisions. A copy of the current rules and regulations shall be conspicuously posted at the Airport Manager's office.~~

15.02.050 — Gender and number.

~~Except when otherwise indicated by the context, any masculine terminology in this title shall also include the feminine and neuter and vice versa, and the definition of any terms herein in the singular may also include the plural.~~

**Chapter 15.04
AIRPORT USE**

Sections:

- ~~15.04.010 — Application of regulations.~~
- ~~15.04.020 — General principles.~~
- ~~15.04.030 — Aeronautical use.~~



15.04.010—Application of regulations.

1 All aircraft, pilots, operators, companies, business organizations, governmental agencies, and all persons
2 coming upon Airport property for any purposes are subject to the regulations set forth herein. It is the
3 responsibility of instructors to fully acquaint their students with all relevant rules and regulations and
4 make sure they are complied with during periods of dual instruction. When a student pilot is flying solo
5 he or she is responsible for abiding by these rules and regulations.

15.04.020—General principles.

4 A. Conduct of Business. No person shall engage in any business or commercial activity of any nature
5 whatsoever on the Airport except with the approval of and under such terms and conditions as may be
6 prescribed by the Airport Manager.

6 B. Charges. Any guarantees, percentages, fees, and charges of any nature prescribed by the City or the
7 Airport Manager shall be charged and collected under the authority of this title. The payment of monthly
8 fees is due and payable in advance on the first day of the calendar month, except as may otherwise be
9 specifically provided by the City in writing. Payment of daily parking fees shall be made prior to
10 departure of aircraft, unless arrangements have been made and approved by the Airport Manager.

9 C. Unleased Property. All areas within the boundaries of the Airport not specifically leased shall be used
10 only by permission of the Airport Manager, and no company, corporation, person, or agency shall hold
11 any vested rights in the same, or exercise authority over the same, except as specifically granted.

10 D. Solicitation. Soliciting of funds for any purpose is prohibited on the Airport.

11 E. Advertisements. No person shall post, distribute, or display signs, advertisements, circulars, or any
12 other printed or written matter at the Airport except with the written approval of the Airport Manager
13 unless permitted by the terms and conditions of a lease.

13 F. Commercial Photography. No person shall take still, motion, or sound pictures for commercial
14 purposes on the Airport without the written approval of the Airport Manager.

14 G. Use of Roads and Walks. No person shall travel on the Airport other than on the roads, walks, or
15 places provided for that particular class of traffic. No person shall occupy the roads or walks in such a
16 manner that could hinder or obstruct their proper use or the movement of others.

16 H. Use of Movement Area. No person shall walk, drive, or otherwise travel on the areas defined as
17 aircraft movement areas without the explicit permission of the FAA air traffic controllers, or the Airport
18 Manager in the absence of FAA air traffic controllers.

18 I. Public Demonstrations and Shows. No person shall walk in a picket line as a picketer or take part in
19 any labor or other public demonstration on any part of the Airport except in those places that are
20 specifically designated by the Airport Manager for such use. No person shall engage in any show, act,
21 demonstration, contest, commercial or otherwise, or shall invite or urge others to participate, content,
22 attend, or work at such type of activity at the Airport without specific approval of the Airport Manager
23 and proof of insurance covering all hazards, damages, or claims that might result from such activities and
24 holding the City and its officials thereof harmless from any such claims.

21 J. Waste Collection and Disposal. Collection and disposal of waste shall comply with all applicable state
22 and City regulations. Specifically, no person shall collect waste from the Airport for a fee except by
23 written authorization of the City.

23 K. Contamination. No fuels, oils, dopes, paints, solvents, or acids shall be disposed of or dumped in
24 drains, on the ramp areas, catch basins, ditches, or elsewhere on the Airport.

24 L. Safety and Security. All operators at the Airport have an obligation to assure that gate chains, gates,
25 and other public safeguards are continually and conscientiously used in a manner so as to protect all
26 persons and property. It shall be the duty and privilege of any and all aviation operators to report any
27 person attempting to board or operate an aircraft illegally, or while such person is physically irresponsible



by virtue of intoxication, impairment, incompetence, or announced intent to commit a dangerous or illegal act.

1 ~~M. Weapons, Explosives, and Inflammable Materials. No persons, except members of the armed forces of~~
2 ~~the United States, or authorized state, City, or county law enforcement officers, shall carry any weapons,~~
3 ~~concealed deadly weapons, or explosive or flammable materials on the Airport without permission from~~
4 ~~the Airport Manager. When traveling with said weapons, registered owners of legal weapons may bring~~
5 ~~them onto the airfield if emptied of munitions and appropriately stored.~~

6 ~~N. Animals. All animals are prohibited within the boundaries of the Airport except seeing eye dogs on~~
7 ~~duty or dogs or other domesticated animals that are properly restrained by leash or properly confined.~~

8 ~~O. Use of Shop Areas. All shops, garages, equipment, and facilities are expressly for the conduct of the~~
9 ~~City's or tenants' business and operations. No persons other than employees of the City or tenants shall~~
10 ~~make use of these facilities or loiter around such premises without individual and specific permission of~~
11 ~~the City or tenants. This section applies to City equipment and facilities, as well as the facilities and~~
12 ~~equipment of other governmental agencies.~~

13 ~~P. Construction or Alteration. No construction work or alterations or addition of electrical or other~~
14 ~~equipment affecting the use of power or other utilities, Airport maintenance obligations, or permanent~~
15 ~~construction or plan of Airport or Airport owned buildings, rooms, or areas shall be done, except by~~
16 ~~written permission from the City or by reason of contractual rights and pursuant to a permit issued by a~~
17 ~~proper authority.~~

18 ~~Q. Restricted Areas. No person shall enter upon the field areas, rooms, buildings, or offices where the~~
19 ~~control of air traffic and the handling of scheduled air commerce is involved, or into utility and service~~
20 ~~rooms or areas, with the exception of the following:~~

- 21 ~~1. Persons assigned to duty therein;~~
- 22 ~~2. Authorized representatives of the Airport Manager;~~
- 23 ~~3. Persons authorized by the Airport Manager;~~
- 24 ~~4. Passengers, under appropriate supervision, entering the apron for the purpose of boarding and~~
25 ~~deplaning from aircraft;~~
- 26 ~~5. Groups of persons authorized in advance and under direct supervision of authorized representatives of~~
the Airport Manager.

~~R. Right of Entry. The Airport Manager, or his or her authorized representative, shall have the right of~~
entry at all reasonable times for repair, maintenance, modification, or inspection of all records, rooms,
areas, and buildings on Airport property, whether or not such is provided in the lease agreement.

~~S. Denial of Use. No person shall come upon or use the Airport after such person has been denied the use~~
of the Airport by the Airport Manager for violation of these regulations, except while traveling through as
a passenger on an aircraft operating at the Airport and provided such person shall obey all rules and
regulations of the Airport applicable to passengers.

~~T. Exceptions and Amendments. Any and all regulations herein may be canceled or amended by the~~
Airport Manager, and special permission to act contrary to or in a broader sense than written may be
obtained from the Airport Manager; provided, that each and every exception is petitioned for,
individually or separately, and that permission for such exception is obtained in writing from the Airport
Manager. Such written permission shall state definitely the exception for which permission is granted, the
reason therefor, and the time of duration or number of instances for which such exception is granted.

15.04.030—Aeronautical use.

A. All aeronautical activities at the Airport and all flying of aircraft departing from or arriving in the air
space above the Airport shall be conducted in conformity with the current FAA regulations and any
orders issued by the air traffic controller during hours of tower operation.



1 B. Safety of Persons on Operational Areas. It shall be the responsibility of all operators upon the field
 2 areas to insure the safety of all persons coming upon these areas and to warn, direct, or restrain the
 3 uninitiated and unauthorized persons from trespassing upon flight operations areas.

4 C. Information Regarding Aircraft and Pilots. Pilots of all aircraft using the Airport shall submit
 5 information when requested by the Airport Manager or his or her authorized representative to identify
 6 pilots, crew members, aircraft owners and/or operators while the aircraft remains at the Airport. Such
 7 information may include, but is not limited to, the following: name or names, government issued photo
 8 identification, evidence of licenses or ratings held, certificate of ownership of aircraft, operational
 9 limitations of aircraft, airworthiness of aircraft, waivers for the use of aircraft, addresses, and telephone
 10 numbers.

11 **Chapter 15.06**
 12 **AIRCRAFT OPERATION**

13 **Sections:**

- 14 15.06.010 — General.
- 15 15.06.020 — Aircraft engine operation.
- 16 15.06.030 — Pilot responsibility.
- 17 15.06.040 — Aircraft taxiing.
- 18 15.06.050 — Aircraft takeoffs and landings.
- 19 15.06.060 — Aircraft tie down.
- 20 15.06.070 — Aircraft parking.
- 21 15.06.080 — Disabled aircraft.
- 22 15.06.090 — Nonpayment of fees.
- 23 15.06.100 — Abandoned aircraft.
- 24 15.06.110 — Aircraft servicing.

25 **15.06.010 — General.**

26 A. Licenses. Only pilots certified by the FAA and having aircraft certificates or licenses, as required by
 statute in the state at which the aircraft is based, shall operate on or from this Airport; provided, however,
 that this restriction shall not apply to public aircraft of the federal government Department of Defense,
 Department of Homeland Security, or to aircraft licensed by foreign governments having a reciprocal
 agreement with the United States covering the operation of such licensed aircraft.

B. Charges for Use of Airport. Charges for commercial operations of aircraft shall be as posted from time
 to time by the Airport Manager and shall apply to all operators not doing business under the terms of a
 lease. Other fees and/or charges adopted under authority of these regulations shall be paid at the Airport
 Manager's office, or to his or her authorized representative, before each departure of an aircraft against
 which such charges shall be assessed, except that such aircraft may be released upon the signature of the
 pilot, owner or owners, or operator of the aircraft by which it is agreed and accepted by the Airport
 Manager that payment be made for the flight or use in question or for past charges against the aircraft,
 pilot, owners, or operators of the aircraft and covering charges for future operations by a certain date.

C. Payment for Use of Facilities. Payment for use of Airport facilities, storage, repairs, supplies, or other
 services rendered by flying service operators or others authorized to provide such services on the Airport,
 or any service or charge against the aircraft, the aircraft owner or owners, pilots, or persons in charge of
 the aircraft by the City shall be made, or satisfactory arrangements for payment of same shall be made
 with the proper authorities before permission may be granted for departure.

D. Incident Reports. Persons involved in aircraft incidents, mishap, or accidents occurring on the Airport
 shall make a full report thereof to the Airport Manager's office as soon after the event as possible, which
 report shall include their names and addresses; name of owner or owners of aircraft; number; type; and
 the airworthiness and operational certificates of aircraft; and the number of pilots' certificates and ratings
 held. Pilots shall also include a complete and detailed description of the incident, including complete
 information on the flight or movement immediately prior thereto and any other information requested by



the Airport Manager, his or her authorized representative, or any other state or federal official having authority or jurisdiction over the aircraft incident.

1 E. Periodical Reports. All operators of flying services, companies, agencies, flying clubs, and individuals
2 engaged in aeronautical activities shall make such periodical reports as may be required by the Airport
3 Manager for the proper administration of his or her office.

3 F. Liability. All operators, aircraft owners, pilots, and other agencies shall use the Airport at their own
4 risk and, in case of failure or error in operation or maintenance of equipment or facilities used, the City,
5 its agents, or employees assume no responsibility.

5 G. Insurance. Minimum aircraft insurance requirements shall be as prescribed by the Airport Manager
6 and shall be developed with input from the City's Risk Manager and the aviation insurance industry.

6 H. Changes in Rules. The City of Tacoma reserves the right to amend or change these rules and
7 regulations in the exercise of its discretion or as conditions may warrant.

7 I. Student Instruction. All persons instructing students and all companies responsible for the instruction of
8 pilots shall be held responsible to the Airport Manager for the conduct of such students while under their
9 supervision or while such students are proceeding with uncompleted courses of flight instruction. No pilot
10 shall instruct students unless he or she possesses the necessary certificates of competency prescribed by
11 the FAA.

10 J. Lighting Facility Damage. Any person damaging any light or fixture by means of contact with aircraft
11 shall report such damage to the Airport Manager's office immediately or as soon as communication can
12 be established before leaving the Airport and shall be fully responsible for any costs to repair or replace
13 the damaged facility.

12 K. Demonstration and Experimental Flight. No experimental flight or ground demonstrations shall be
13 conducted on the Airport without the express approval of the Airport Manager and compliance with
14 appropriate FAA regulations.

14 **15.06.020 — Aircraft engine operation.**

15 A. No aircraft engine shall be operated unless a licensed pilot or mechanic is at the controls at all times.

16 B. Aircraft engines shall be started and operated only in areas designated for such purposes by the Airport
17 Manager. Aircraft engines shall not be started or run inside hangars or shops.

17 C. No aircraft engines shall be operated in such a manner that persons, property, or other aircraft might be
18 injured or damaged by propeller slipstream or jet blast from said aircraft.

18 D. Pilots of aircraft intercepted by an Airport guard or other authorized representative of the Airport
19 Manager while taxiing on the field and directed by hand signal, or otherwise, to stop, shall immediately
20 stop the aircraft and permit said official to board or approach close enough to explain the reason for such
21 interception.

20 E. Engine Run-up. Aircraft shall not perform warm-up or prolonged engine test operations in any area
21 that would result in a hazard to other aircraft, persons, or property and in no case where aircraft is parked
22 in such a position to produce air blast effect in the direction of hangars or other buildings within 200 feet.

22 **15.06.030 — Pilot responsibility.**

23 The pilot in command of the aircraft is responsible for avoiding a collision with or otherwise causing
24 injury to, other aircraft, persons, or objects on aprons, ramps, taxiways, etc.

24 **15.06.040 — Aircraft taxiing.**

25 A. No aircraft shall be taxied into or out of any hangars or shops.

25 B. No aircraft shall be operated in a careless or reckless manner or taxied except at a safe and reasonable
26 speed at which the pilot has complete control at all times.



1 ~~C. No person shall taxi or, in any other manner, move an aircraft, until he or she has ascertained by visual inspection that there will be no danger of collision with or injury to any person or object in the immediate area.~~

2 ~~D. During those hours the control tower is in operation, no aircraft shall enter the Movement Area prior to getting the Airport control tower clearance for such operation. During those hours the control tower is closed, the pilot's responsibility is the same as at uncontrolled airports.~~

3 ~~E. Aircraft shall be taxied in accordance with the prescribed taxiing patterns when any particular runway is in use.~~

4 ~~**15.06.050—Aircraft takeoffs and landings.**~~

5 ~~A. No aircraft shall take off or land from any area of the Airport other than a designated runway unless such a landing is necessitated by an emergency situation, except that helicopters may operate from designated ramp or apron areas with control tower clearance.~~

6 ~~B. Report of Arrival. Pilots of inbound aircraft shall maintain radio contact with the nearest FAA air traffic control facility, shall report their positions and courses as directed and prescribed by the FAA, and shall comply with such clearances issued by the above authority.~~

7 ~~C. The Airport Manager may delay or restrain any flight or other operations at the Airport and may refuse take off clearance to any aircraft if he or she deems the same necessary for safety or security. The Airport Manager may also prohibit, in whole or in part, the use of the Airport for any purpose by an individual or group, except when said prohibition conflicts with contractual obligations or FAA regulations.~~

8 ~~**15.06.060—Aircraft tie-down.**~~

9 ~~A. It is the responsibility of the aircraft operator to make certain his or her aircraft is securely tied down and to ascertain that the tie-down mechanism employed is adequate for his or her aircraft. Any damage resulting to his or her aircraft, nearby aircraft, property, or any injury to persons caused by the aircraft operator not securing or improperly securing said aircraft shall be the liability of the operator or the owner.~~

10 ~~B. Transient aircraft are to be tied down only at tie-downs marked "TRANSIENT." Aircraft owners are responsible for any tie-down fees.~~

11 ~~C. The aircraft owner or operator is responsible for containing any and all possible oil or fuel leakage from his or her aircraft. The owner or operator is liable for any contamination or other damage resulting from such leakage.~~

12 ~~**15.06.070—Aircraft parking.**~~

13 ~~A. No person shall park aircraft in any area on the Airport other than that prescribed by the Airport Manager or as directed by his or her authorized representative. Persons parking aircraft in violation of this section shall remove same when directed by the Airport Manager, or his or her authorized representative, and shall park the aircraft in a designated space and position directed by such authority.~~

14 ~~B. Securing of Aircraft. No person shall leave an aircraft parked at any place on the Airport without first having secured such aircraft with ropes, chains, or other means of fastening to adequate tie-down facilities set in the ground or in the pavement or having delivered the aircraft into the care of an authorized representative of an aircraft servicing company authorized to do business on the Airport.~~

15 ~~C. The Airport Manager reserves the right to remove or relocate the position of any parked aircraft if, in his or her judgment, it creates a safety hazard or adversely affects the overall operation of the Airport.~~

16 ~~**15.06.080—Disabled aircraft.**~~

17 ~~A. Any disabled aircraft interfering with normal runway or taxiway operations shall be removed immediately.~~

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1 B. Disabled aircraft and parts thereof shall be promptly removed from the Airport by the owners upon request of the Airport management, unless required or directed to delay such action pending an investigation of an accident.

2 C. If the aircraft owner cannot remove his or her aircraft, the Airport maintenance personnel may effect said removal with Airport equipment. The full risk and expense of such removal shall be assessed against the owner.

3 D. In cases where it is found necessary for the Airport Manager to arrange for removal of an aircraft without the owner's consent, the owner, or owners, of such aircraft shall pay for the cost of such removal; and the Airport Manager, the City, and its officers shall not be held liable and shall be held harmless from all claims of any kind for damages sustained in removal operations.

6 **15.06.090— Nonpayment of fees.**

7 A. If an owner hangaring or parking an aircraft on the Airport fails to pay any Airport charge owed, the owner's account is at least 60 days delinquent, and the owner's written contract includes the remedies provided in Section 2, Chapter 254, Laws of 1987 (Chapter 14.08 RCW), the Airport Manager, or his or her designee, may take reasonable measures including, but not limited to, moving the aircraft, or using chains, ropes, and locks to secure the aircraft within the Airport so that the aircraft is in the possession and control of the Airport. At the time of securing the aircraft, the Airport Manager, or his or her designee, shall attach to the aircraft a readily visible notice and send a copy of said notice to the owner, all in compliance with Section 2, Chapter 254, Laws of 1987 (Chapter 14.08 RCW).

11 B. An aircraft owner can obtain release of an aircraft secured due to nonpayment of fees by making arrangements satisfactory to the Airport management and by making payment to the City of all Airport charges, including the cost of storing said aircraft during its possession by the Airport.

13 **15.06.100— Abandoned aircraft.**

14 If an aircraft parked or hangared at the Airport is abandoned, the Airport Manager may authorize the public sale of the aircraft by authorized personnel to the highest and best bidder for cash pursuant to applicable local, state, and federal regulations.

15 **15.06.110— Aircraft servicing.**

16 A. Ramp Equipment. All equipment used for the servicing of aircraft, including motor vehicles, mobile equipment, loading stands, repair and maintenance equipment, etc., shall be removed from the aircraft parking aprons when not in use. Special permission must be obtained for the use or the storing of such equipment at any place on the landing area side of taxiways, ramps, or graded landing areas, and it shall be the responsibility of the person in charge of such equipment permitted beyond aprons and taxiways or on the field to equip same with flags or warning lights as directed by the Airport Manager or his or her representative.

19 B. Repair of Aircraft. No person shall repair an aircraft, aircraft engine, propeller, or apparatus in any area of the Airport, other than that specifically designated for such purpose by the Airport Manager, except that minor adjustments may be done while the aircraft is on a loading ramp preparatory to take off when such adjustment is necessary to prevent a delayed departure.

22 **Chapter 15.08**
MINIMUM FUNCTIONAL STANDARDS

23 Sections:

- 24 15.08.010 — General principles.
- 24 15.08.020 — Leases or rental agreements.
- 25 15.08.030 — Construction or alteration.
- 25 15.08.040 — City owned aircraft hangar waiting list.
- 25 15.08.050 — Tenant responsibilities.
- 26 15.08.060 — Landlord rights and responsibilities.
- 26 15.08.070 — Minimum standards for specific services.



15.08.010—General principles.

1 ~~A. No person, firm, or corporation shall engage in any commercial activity or business of any nature whatsoever on the Airport except with the approval of the Airport Manager or a signed lease or rental agreement with the City.~~

2 ~~B. No person authorized to operate on or conduct business activities at the Airport shall conduct any of its business or activities on any area except those specified by appropriate documentation with the City. All business shall be conducted from an established fixed location on the Airport, the establishing of which has been arrived at by the negotiation and execution of a license, lease, rental agreement, or other legal document between the operator and the City and in compliance with these minimum functional standards.~~

3 ~~C. All activities at the Airport must comply with Airport, City of Tacoma, state of Washington and federal laws, ordinances, rules, and regulations. In the event that any Airport or City laws, ordinances, or regulations, as they exist or as hereafter amended, conflict with applicable FAA regulations, the latter shall be deemed to control.~~

4 ~~D. The Airport Manager shall evaluate all proposed operations or activities at the Airport based on principles of uniformity with other operations or activities of the same class and on consistency with the Airport Master Plan, Airport business plan, and approved Airport budget. Proposed operations or activities at the Airport may be denied by the Airport Manager if such proposed operations or activities are found to be inconsistent with these minimum functional standards or with the principles of uniformity with other operations or activities of the same class and/or with the Airport Master Plan, Airport business plan, and approved Airport budget.~~

5 ~~E. Competition among fixed base operators, fuel providers, and flight instructors is encouraged. To the extent feasible within normal market conditions, the Airport should have more than one provider of each of these types of services.~~

6 ~~F. No right, privilege, permit, or license to do business on the Airport or any portion thereof, or any lease of any area of the Airport shall be assigned, sold, subleased, rented, or otherwise transferred or conveyed by any means, in whole or in part, without the prior written consent of the City. If any assignment, sale, sublease, rental, or other transfer of any leasehold is approved by the City, the City shall require compliance by the assignee or sublessee with all of the terms of these minimum functional standards and all other requirements of the original lease.~~

7 ~~G. No person shall throw, dump, or deposit any waste, refuse, or garbage on the Airport. All waste, refuse, or garbage shall be placed and kept in closed garbage cans or containers and all operating areas shall be kept in a safe, neat, clean, and orderly manner at all times and in such a manner as to minimize any hazards. No burning or dumping of any material shall be permitted without approval of the Airport Manager.~~

8 ~~H. No person on the Airport shall store or stack material or equipment in such a manner as to constitute a hazard to personnel or property.~~

9 ~~I. Tenants, licensees, and grantees shall be fully responsible for all damage to buildings, equipment, real property, and appurtenances in the ownership or custody of the City caused by negligence, abuse, or carelessness on the part of their employees, agents, customers, visitors, suppliers, or persons with whom they may do business.~~

10 ~~J. All complaints against any operator for violation of these minimum functional standards shall be made in writing to the Airport Manager, signed by the party submitting the complaints, and shall specify in detail the nature of the complaints, dates, times and witnesses, if any.~~

11 ~~K. The City shall have the right to terminate any lease or other agreement authorizing an operator to conduct any services or business at the Airport and to revoke any tenant's authorization or permit to do business upon the Airport for any cause or reason provided in these minimum functional standards or by law, and, in addition thereto, upon any one of the following circumstances:~~

12 ~~1. Filing for bankruptcy.~~



- 2. ~~Assignment for the benefit of creditors and/or without prior City approval.~~
- 1 3. ~~Abandonment or discontinuance of any required operation at the Airport.~~
- 2 4. ~~Failure of the tenant to remedy any default or breach or violations of these minimum functional standards or other lease provisions within 30 days from the date written notice has been mailed or delivered to the tenant's place of business.~~
- 3 5. ~~Unsafe or abnormal or reckless practices in the operation of an aircraft or vehicle at the Airport.~~
- 4 6. ~~Creation of a safety hazard at the Airport.~~
- 5 7. ~~Violation of any federal, state, or local law or regulation.~~
- 6 8. ~~Use of false information or failure to fully disclose information in applying for a lease or in supporting documents.~~

7 If such lease or agreement is terminated, the City shall have the right to take full possession of the tenant's space and may remove all parties and any and all goods and chattels not belonging to the City that may be found on tenant's space at the expense of the tenant and without being liable for prosecution or any claim for damages.

9 L. ~~No person shall conduct business operations at the Airport under a business name the same as or deceptively similar to the business name of any other tenant previously established at the Airport. No person shall conduct business operations at the Airport under a business name other than that which is shown on the business lease, licenses, or other related documents.~~

11 M. ~~All marketing and servicing operations and practices performed by tenants for their Airport businesses shall be of the highest and most responsible character.~~

13 N. ~~Only a tenant that qualifies as a fixed base operator pursuant to other sections of this chapter may sell aircraft fuels.~~

14 O. ~~Nothing contained in these minimum functional standards shall be construed as requiring the City to maintain, repair, restore, or replace any structure, improvement, or facility that is substantially damaged or destroyed due to an act of nature or other condition or circumstance beyond the control of the City.~~

16 **15.08.020 — Leases or rental agreements.**

17 A. ~~Applications to lease or rent Airport property, including buildings, except for City owned aircraft hangars, shall be evaluated based on a written application to the Airport Manager. Such written application shall contain, at a minimum, the information specified in this section and shall be supplemented with any additional information required by the Airport Manager.~~

- 19 1. ~~Name and address of applicant and applicant's business.~~
- 20 2. ~~Description of proposal, including site plan, amount of land and/or buildings to be leased or rented; services to be provided, proposed construction and cost of construction, date of commencement of operations, number of persons to be employed, and number and type of aircraft to be based at the Airport.~~
- 21 3. ~~Declaration of insurance coverage at the minimum amount required by the Airport Manager.~~
- 22 4. ~~Evidence of financial capability to perform the scope of the proposal described in subsection 15.08.020.A.2 TMC. Such evidence may include, but is not limited to, current financial statements prepared by a Certified Public Accountant, a list of assets owned or being purchased that will be used in business at the Airport, current credit report covering all areas in which the applicant has done business during the last ten years, references, and authorization for release of information for the FAA and all other public agencies with which the applicant has engaged in aviation business or other business as proposed.~~

24 B. ~~Applications to rent City owned aircraft hangars shall contain the following information:~~

- 26 1. ~~Name, address, and telephone number of applicant.~~



2. Aircraft type and registration number.

3. Date of request.

C. Leases of vacant land shall be for purposes consistent with the Airport Master Plan. Leases for vacant land shall be granted through a Request for Proposal.

D. The Airport Manager may deny a prospective tenant for any of the following reasons:

1. The prospective tenant has been found to have a business background or proposed financing that is deemed to be inconsistent with the best interests of the Airport or the City. This includes a credit report that contains derogatory information indicating that the applicant does not have a satisfactory business responsibility and reputation or conviction of a crime or violation of any ordinance that would indicate the applicant would not be a desirable operator on the Airport.

2. The proposed use is found to be inconsistent with the Airport's Master Plan or business plan.

3. The proposed operations or construction will create a safety hazard at the Airport or would create congestion that would result in depriving other Airport tenants of operations.

4. The proposal would require the City to spend City funds that would result in a financial loss to the City or would result in a financial loss to the City in some other way.

5. The applicant is found to have misrepresented or have failed to fully disclose material facts on the application or supporting documents.

6. The applicant is found to have a history of violating minimum functions standards or the rules and regulations of any other airport or the FAA.

7. Failure to perform the obligations of any other lease or agreement with the City.

8. Considerations relating to the protection of the health, welfare, or safety of the public, including environmental considerations.

9. Any other reason that the Airport Manager deems sufficient.

E. Lease and monthly rental rates for City owned property shall be established on the basis of fair market value. Said fair market value shall be established by appraisal no less frequently than every six years.

F. If all other factors under this Chapter are equal, the Airport Manager shall approve applications to lease or rent Airport property on a first come, first served basis.

15.08.030— Construction or alteration.

A. No buildings, structures, tie-downs, ramps, paving, taxi areas, drains, earth work, or any other improvements or additions to the Airport shall be placed or constructed at the Airport or altered or removed without the prior approval of the City. Detailed plans and drawings for any construction or alteration shall be submitted to the City and all required permits shall be obtained prior to commencement of any work. In the event of any construction, the City may, at its discretion, require an appropriate bond to guarantee the completion of the construction in accordance with the City's approval.

B. All capital improvements constructed on tenant leaseholds shall become the property of the City upon termination of the lease.

C. Airport areas on which tenant facilities, if any, are to be constructed or operated shall be specified by the City or the Airport Manager in accordance with these minimum functional standards and the Airport Layout Plan.

D. Unless modified in the lease, plans and specifications for all construction shall be submitted to the City for its approval within 90 days of the approval of the application, and construction shall commence within 90 days after approval of the plans and specifications by the City. All construction shall be completed by the lessee within one year of the date of the City's approval of the plans and specifications. All construction shall comply with all applicable building codes.



15.08.040—City-owned aircraft hangar waiting list.

1 A. A waiting list for City-owned aircraft hangars will be maintained by Airport management. Interested parties must contact the Airport office to be placed on the Airport waiting list.

2 B. Unless otherwise requested by the applicant, the Airport Manager or his or her designee will select the hangar size appropriate for the applicant's aircraft.

3 C. Applicants who do not respond within ten days of receiving notification of an available hangar shall be removed from the waiting list.

15.08.050—Tenant responsibilities.

4
5 The following obligations, including additional detail about them if necessary and appropriate, shall be set forth in leases and monthly rental agreements for use of Airport land and/or buildings. Other clauses and covenants will be included in leases based on the specific tenant and type of business, provided that those additional terms shall be consistent with the principles of these minimum functional standards.

6
7 A. All ground lease tenants are responsible for maintenance of land and facilities within the boundaries of the leasehold and shall maintain the leasehold in a clean, neat, and well-maintained condition, and free of snow and ice, weeds, rocks, debris, and other material.

8
9 B. Tenants of City-owned buildings shall be responsible for general upkeep of the building and shall maintain a clean and neat appearance inside and outside the building. No structural or decorative changes or additions of any type may be made to City-owned buildings without prior permission of the Airport Manager.

10
11 C. All tenants of the Airport are responsible for removal of trash, garbage, surplus equipment, material, etc., from their leaseholds to dumping areas designated by the Airport Manager. Areas to be used for trash or for garbage containers shall be designated by the Airport Manager and no other areas shall be used. Such areas shall be kept clean and sanitary at all times. Trash containers must be kept covered. Vehicles used for hauling trash, dirt, or any other materials shall not be operated on the Airport unless such vehicle is constructed and covered so as to prevent the contents thereof from dripping, sifting, leaking, or otherwise escaping therefrom. No person shall spill dirt or any other materials from vehicles operated on the Airport.

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13 D. Tenants of City-owned aircraft hangars may use the hangars for aircraft storage and related purposes only.

14
15 E. All tenants shall maintain their leased property in a condition as to repair, cleanliness, and general maintenance in a manner agreeable to the City, or in accordance with their individual lease agreements. Failure to adhere to these points may be considered sufficient reason to warrant cancellation of a lease agreement, in part or in whole, by the City.

16
17 F. Each tenant or lessee shall supply and maintain such adequate and readily accessible fire extinguishers as are approved by Fire Underwriters or the City Fire Marshall for the particular hazard involved or as may be deemed necessary by the Airport Manager.

18
19 G. No tenant may store hazardous materials at any leasehold without the express written authorization of the Airport Manager. Such authorization shall only be given if the tenant provides specific assurances that all federal, state, and local environmental statutes and regulations shall be followed and provides proof of such insurance as the City may require.

20
21 H. Tenants shall be responsible for the proper usage of areas designated as freight and mail loading and unloading, regardless of whether such usage is accomplished by their own personnel or by persons with whom they do business. They shall be likewise responsible in the matter of using only the area as designated for the purposes as stated therein.

22
23 I. All tenants shall, upon being authorized by the City and as the construction of any required physical facilities permit, promptly commence and conduct all business activities and services authorized. Said



completion date and commencement of business activity date shall be agreed to at the time the lease is fully executed.

1 ~~J. Business tenants shall operate the premises leased for the use and benefit of the public. They shall:~~

2 ~~1. Furnish services on a fair, equal, and nondiscriminatory basis to all users of said services.~~

3 ~~2. Furnish good, prompt, and efficient services.~~

4 ~~3. Charge fair, reasonable, and nondiscriminatory prices for each unit of sale or service, provided that discounts, rebates, or other similar types of price reductions may be offered to volume purchasers.~~

5 ~~4. Not discriminate in any employment action or business practice because of race, religion, color, national origin or ancestry, sex, gender identity, sexual orientation, age, marital status, familial status, or the presence of any sensory, mental, or physical handicap.~~

6 ~~5. Operate with normal or specified business hours.~~

7 ~~6. Adequately staff and equip their facilities.~~

8 ~~K. Any aircraft owner may perform services including, but not limited to, maintenance and repair on its own aircraft, including with its own employees; however, no tenant may hire vendors of services, aircraft parts, or fuel from off Airport premises to perform services on the Airport without prior written approval of the Airport Manager.~~

9 ~~L. Nothing in these minimum functional standards or included in tenant leases may be construed to grant or authorize the granting of an exclusive right forbidden by Section 308 of the Federal Aviation Act of 1958 or for aeronautical activities such as, but not limited to:~~

10 ~~1. Charter operations.~~

11 ~~2. Pilot training.~~

12 ~~3. Aircraft rental.~~

13 ~~4. Aerial photography.~~

14 ~~5. Crop dusting.~~

15 ~~6. Sale of aviation petroleum products.~~

16 ~~7. Air carrier operations.~~

17 ~~8. Aircraft sales and services incidental thereto.~~

18 ~~9. Any other activity which, because of direct relationship to the operation of aircraft, can be regarded as an aeronautical activity.~~

19 ~~M. All tenants shall comply with these minimum functional standards and all other regulations of the Airport and any future revisions to them.~~

20 ~~N. All tenants are responsible for strict compliance with all City, state, and federal laws pertaining to employees including, but not limited to, Social Security, unemployment compensation, and wages and hours.~~

21 ~~O. All lessee personnel required to hold FAA or any other certificates and ratings shall maintain such certificates and ratings current and in good standing.~~

22 ~~P. All tenants shall maintain current insurance coverage as established by the Airport Manager and described in the lease. The tenant must notify the City no less than 30 days prior to the cancellation of any policy required in the lease.~~

23 ~~Q. All tenants shall promptly pay, when due, all charges for sewer, water, power, telephone service, and all other utilities and services supplied to tenant's operation at the Airport; all wages or salaries; and all~~



rentals, fees, and payments payable to the City. The tenant shall be responsible for all fees and costs incurred in the performance of tenant's business.

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~~R. Unless otherwise provided by the City, all tenant operations shall be conducted in one area of sufficient size to accommodate all services for which the operator is approved, allowing for future growth and additional services as contemplated by the City, to the extent that space is available at the Airport. The tenant shall carry on its business operations strictly within the area assigned by the City and its operations shall not in any way interfere with the operations of other Airport users. The tenant shall not use any common use areas except as authorized by the City.~~

~~S. Tenants shall cooperate with the Airport Manager regarding the operation, management, and control of the Airport and shall do all things reasonable to advance or promote the Airport and aeronautical activities thereon and to develop the Airport into an attractive, efficient, and modern Airport.~~

~~T. All tenants shall indemnify, defend, and save the City, its authorized agents, officers, representatives, and employees harmless from and against any and all actions, penalties, liabilities, claims, demands, damages, or loss resulting from claims or court actions, whether civil, criminal, or in equity, and arising directly or indirectly out of acts or omissions of the tenant, its agents, employees, servants, guests, or business visitors.~~

15.08.060 — Landlord rights and responsibilities.

The following rights and responsibilities of the City shall be set forth in leases for use of Airport land and/or buildings.

A. The City shall be responsible for performing major maintenance and repairs needed on City owned structures leased to tenants.

B. The City shall reserve the right to further develop or improve the aviation facilities of the Airport as it sees fit, regardless of the desires or view of the lessee and without interference or hindrance.

C. The City shall reserve the right to maintain and keep in repair the landing areas of the Airport and all publicly owned facilities of the Airport, together with the right to direct and control all activities of Airport tenants.

D. During a time of war or national emergency, the City shall have the right to lease the landing area or any part thereof to the United States government for military or naval use, and, if such lease is executed, the provisions of leases insofar as they are inconsistent with the provisions of the lease to the government shall be suspended.

E. The City shall reserve the right to take any action it considers necessary to protect the aerial approaches of the Airport against obstruction, together with the right to prevent the lessee from erecting or permitting to be erected any building or other structure that, in the opinion of the City, would limit the usefulness of the Airport; interfere with Airport operations; planning, or development; constitute a hazard to aircraft; or, in any way, place the Airport in a position of noncompliance with FAR Part 77 of the FAA regulations.

F. The lease shall be subordinate to the provisions of any existing or future agreement between the City and the United States relative to the operation or maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the expenditure of federal funds for the development of the Airport. Failure of the lessee or any occupant to comply with the requirements of any existing or future agreement between the City and the United States, following reasonable notice to make appropriate corrections, shall be cause for immediate termination of the lease and lessee's rights thereunder.

G. The City shall have the right to inspect, at all reasonable times, all Airport premises, together with all structures or improvements, all aircraft equipment, and all licenses and registrations. Inspection of premises will be made in the presence of the lessee or owner if practicable.



15.08.070—Minimum standards for specific services.

1 In addition to meeting all other minimum functional standards set forth in this title, tenants shall meet the following standards for specific types of services.

2 ~~A. Fixed Base Operations. Fixed base operators shall provide employees during normal working hours of 8:00 a.m. to 5:00 p.m. who are able to provide full service to tenant and transient aircraft, including, at a minimum, aircraft refueling services, maintenance, and ground handling of aircraft.~~

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4 ~~B. Aircraft Sales. Tenants providing aircraft sales services shall have a sale or distributorship franchise from a recognized aircraft manufacturer or an established used aircraft inventory and shall have FAA certified and currently airworthy aircraft for sale during normal working hours of 8:00 a.m. to 5:00 p.m. Such tenants shall also provide a minimum of one fully qualified demonstrator pilot employed with current and appropriate FAA pilot and approved medical certificates. Leases for aircraft sales must include sufficient land on which to locate all required improvements, service, and display areas as well as adequate parking space for office and customer use. Such tenants must provide for adequate servicing of aircraft and accessories during warranty periods.~~

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8 ~~C. Aircraft Parts and Accessories Sales. Tenants selling aircraft parts and accessories shall be authorized to display and sell aircraft parts and engage in aircraft accessory sales and must provide sufficient office space and other accommodations to engage in sales activities.~~

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10 ~~D. Aircraft Charter and Taxi. Tenants providing aircraft charter and taxi services shall have a minimum of one FAA certified pilot with current commercial and instrument ratings and approved medical certificates. Leases for aircraft charter and taxi services must include exclusive use of adequate and approved space in a building for passenger shelter, restrooms, telephone, and similar services. Additionally, tenants for aircraft charter and taxi services must provide satisfactory arrangements for checking in passengers, meeting security requirements, handling luggage, ticketing, ground transportation, and related services. Such tenants must own or lease, maintain, and provide at least one currently certified and continuously airworthy aircraft properly certificated for air charter or air taxi service.~~

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14 ~~E. Aircraft Rental and Commercial Flying Club. Tenants operating aircraft rental services or commercial flying clubs shall have a minimum of one instructor pilot available with appropriate and current FAA pilot and medical certificates and shall demonstrate the capacity to continue to meet requirements for certification of flight instructor personnel and aircraft by the FAA. Additionally, tenants operating aircraft rental services or commercial flying clubs shall have at least one aircraft owned or leased by and under the exclusive control of the tenant that is properly equipped and FAA certified for flight instruction and rental. Leases for aircraft rental or commercial flying clubs shall include exclusive use of adequate and approved space in a building for classrooms and/or office space, rest rooms, telephone, and shall have available, on a full-time employment basis, a minimum of one instructor with appropriate and current FAA certified flight instructor rating and approved medical certificates.~~

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19 ~~F. Maintenance, Manufacturing, Overhaul or Repair Services. Leases to tenants operating aircraft maintenance, manufacturing, overhaul, or repair services shall include adequate space to provide waiting rooms, rest room facilities, and shop building(s) of sufficient similar services, and shall provide adequate parking space for customers. Such tenants shall assure that personnel operating rental equipment obtained from the tenant have appropriate and current FAA pilot and approved medical certificates.~~

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23 ~~G. Flight Instruction and Ground Schools. Leases for tenants operating flight instruction and ground schools shall include exclusive use of adequate and approved space in a building for classrooms and/or office space, rest rooms, telephone, and similar services, and shall provide adequate parking space for customers. Additionally, such tenants shall own and/or lease and have based on the Airport one or more aircraft suitable for flight instruction that comply with the rules and regulations of the FAA size to accommodate at least one twin-engine aircraft. The tenant shall equip the shop with such tools, machinery, equipment, parts, and supplies normally necessary to conduct a full-time business operation in connection with the service being offered and shall staff the shop with mechanics and personnel who are qualified and competent and who hold any and all necessary FAA certificates.~~



1 H. Aircraft Storage. Leases to tenants providing aircraft storage shall include sufficient office space and
2 storage space to accommodate all aircraft used by the tenant in its own operations and all aircraft that will
3 be parked or stored by the operator. If the tenant provides inside hangar storage, the lease shall include an
4 area of sufficient size to accommodate the building or buildings with proper access to and from such
5 facilities.

6 I. Aircraft Radio and Instrument Sales and Service. Leases to tenants providing aircraft radio and
7 instrument sales and service shall include sufficient space for the tenant to have for its exclusive use an
8 adequate and approved shop and storage space and to provide satisfactory arrangements for access to and
9 storage of aircraft being worked on. Such tenant shall also have available a FAA-certificated technician in
10 the field of aircraft electronics and/or aircraft instruments with proper Federal Communications
11 Commission license to conduct complete aircraft transmitter, receiver, and antennae repair.

12 J. Line Services. A tenant who desires to engage in line services and who is authorized for this service
13 shall be required to perform two additional services from among those listed in subsections 15.08.070.A
14 through I, "Minimum standards for specific services." Additionally:

15 1. Leases to such tenants shall include adequate space in an area designated for fuel and oil sales and
16 service to all types of aircraft making use of the field and sufficient land area for the placement of those
17 facilities necessary for successful operation of the services such as buildings, aircraft parking area,
18 dispensing equipment, and fuel trucks. Such tenant shall lease or construct a building of sufficient size to
19 provide lighted and heated space to perform work, office space, storage, public waiting area that includes
20 rest rooms, and a public-use telephone.

21 2. The tenant shall insure that trained fuel service attendants, in sufficient numbers and in uniform, shall
22 be on duty to service aircraft without unreasonable delay during normal duty hours for this type of
23 service. Additionally, such tenant shall offer night service by having an attendant available who will
24 respond by a telephone call to a number conspicuously posted at the refueling facility and in the Terminal
25 Building.

26 3. The tenant shall at all times maintain an adequate supply of fuels, oils, other petroleum products, and
fluids normally called for at the Airport and shall also provide air and water for general aviation operation
and adequate towing capability for aircraft using the Airport.

4. The tenant shall provide and maintain metered filter-equipped pumps, tanks, mobile fuel trucks, and
other fueling facilities that may be necessary. All fuel equipment and fuel areas shall meet all applicable
safety requirements, including ground rods and equipment. Separate pumping equipment shall be
maintained for each grade of fuel and their locations must be approved by the City. Fuel may not be
delivered into any aircraft unless it has first been placed in a suitable and approved filtration tank. There
shall be no fueling direct from a common carrier transport truck into the refueling vehicle or aircraft.
During refueling, the aircraft and the dispensing apparatus shall both be grounded and bonded to a point,
or points, of zero electrical potential. All necessary safety and fire suppression equipment, as specified by
the City, shall be provided by the tenant.

5. All fueling installations and systems shall be in accordance with the applicable safety requirements and
shall comply with the Tacoma Municipal Code, the laws and code of the state of Washington, and
regulations of the City and Washington State Fire Marshals. All fuel storage shall be in bulk storage areas
that are approved by the City and are constructed and maintained according to the Tacoma Municipal
Code for bulk storage of fuels. The manner and method of soliciting the sale of aircraft fuel in areas
other than those leased by the operator shall be subject to the regulation of the Airport Manager. Aviation
fuel shall be sold or commercially dispensed at the Airport only by those certified by the City as having
satisfied these minimum functional standards and holding a valid operating agreement.

6. The tenant will ensure that all fueling operations and storage are maintained in accordance with City,
county, state, and federal codes, standards, ordinances, and laws, and will hold the City harmless from
any and all aircraft fuel storage and dispensing operations; failure to meet city, county, state, or federal
codes, standards, ordinances, or laws; dispensing of wrong or contaminated fuels, and bodily injury or
death and physical damage caused by such operations or storage.



1 ~~K. Self Fueling. Self fueling by aircraft owners and operators will be permitted subject to the conditions~~
2 ~~specified in Chapter 15.10 TMC; provided, that the aircraft is fueled in an area specified by the Airport~~
3 ~~Manager.~~

4 **Chapter 15.10**

5 **FUELING, LOADING, AND TRANSPORTING FUEL OR CONTAMINANTS**

6 Sections:

7 15.10.010 — General requirements.

8 15.10.020 — Equipment.

9 15.10.030 — Fueling and defueling procedures.

10 15.10.040 — Spill procedures.

11 **15.10.010 — General requirements.**

12 A. All tenants or operators at the Airport who provide fuel service or who self fuel must comply with the
13 conditions prescribed in this chapter.

14 B. Routes for fueling equipment and fueling points will be designated by the Airport Manager.

15 C. All persons with bulk storage fuel or oil products in containers with capacities of 55 gallons or greater
16 must provide to the Airport Manager:

17 1. A tabulated inventory of all tanks listing the maximum storage capacity, type of liquid stored, type of
18 tank(s), and a description of the secondary containment for each tank, and

19 2. A site plan showing the location of the storage tanks.

20 D. Persons engaged in fueling, defueling, loading, or transporting fuel or contaminants shall exercise care
21 to prevent spillage of fuel, oil, or other harmful or contaminating substances.

22 E. Personnel handling fuel on behalf of an employer must be trained annually in fire safety procedures
23 and be so certified by a local fire department. Certification must be provided upon application for
24 authorization and annually within ten days of the anniversary of vehicle use authorization.

25 F. Personnel handling fuel on behalf of an employer must be trained annually in hazardous materials
26 handling, spill prevention, and cleanup procedures and so certified by a recognized qualified agency.
Certification must be renewed annually and kept current.

27 G. The Airport Manager may establish additional regulations for fueling and defueling including, but not
28 limited to, procedures, annual fees for vehicle use authorization, and fuel flowage fees. The Airport
29 Manager may retract authorization to fuel or defuel at the Airport if the operator incurs any violation of
the provisions of this title or fails to abide by and fully comply with procedures established by the Airport
30 Manager.

31 H. Storage of fuel for self fueling shall be in accordance with City, county, state, and federal codes,
standards, ordinances, and laws.

32 I. Any person handling fuel at the Airport shall indemnify, defend, and save the City, its authorized
33 agents, officers, representatives, and employees, harmless from and against any and all actions, penalties,
34 liability, claims, demands, damages, or loss resulting from claims or court actions, whether civil,
35 criminal, or in equity, and arising directly or indirectly out of acts or damages associated with or resulting
36 from self fueling. Self fueling operations are subject to Chapter 15.04 TMC, "Fueling, loading, and
transporting fuel or contaminants."

37 **15.10.020 — Equipment.**

38 A. Fuel distributing, defueling, and all other bulk oil storage or handling equipment shall be of an
39 approved type, shall be well maintained in a safe and nonleaking condition, and may be subject to
40 inspection under regulations established by the Airport Manager. The Airport Manager may develop and
enforce specific requirements for this equipment, including Fuel/Oil tenders.



1 Fuel/Oil tenders shall be frequently inspected and in condition to pass the standards of the National Board
2 of Fire Underwriters and the FAA Air Carrier Division inspections regarding water, accumulation of
3 other foreign matter in the fuel, leakage of fuel lines, static grounding equipment, pumps, location, and
4 condition of mufflers, fire extinguishers, lights, brakes, and other necessary equipment used for servicing
5 aircraft. Nondestructive integrity testing of all shop fuel and oil containers shall be performed by a
6 licensed tank inspector at a minimum of every ten years, and a copy of the inspection shall be provided to
7 the Airport Manager. Fire extinguishers shall be carried on all fueling equipment and shall be within
8 ready reach of all persons engaged in fueling or defueling operations. These extinguishers shall be filled
9 and in a good operating condition.

10 ~~B. Vehicle operators must have proof of a valid Washington State Driver's License.~~

11 ~~C. Fuel/Oil tenders must meet all fuel vehicle standards required for licensing by the state of Washington.
12 A copy of a valid State of Washington Fuel/Oil tender license must be submitted upon request.~~

13 ~~D. Fuel/Oil tenders must be inspected every six months by a local fire department and must be evaluated
14 as "satisfactory" on each inspection item on a form to be provided by the Airport Manager. Any items
15 evaluated as "unsatisfactory" must be remedied and the vehicle reinspected, and no fuel vehicle shall be
16 permitted to resume transportation and storage until all inspection items achieve a "satisfactory"
17 evaluation.~~

18 ~~E. Fuel/Oil tenders must be stored outside of any structure and kept locked when not in use by the
19 authorized operator.~~

20 ~~F. Any person who owns or operates a Fuel/Oil tender at the Airport must provide and maintain a bond
21 for fire or hazardous spill incidents in an amount prescribed by the Airport Manager. A copy of the bond
22 must be provided to the Airport Manager prior to use of the Fuel/Oil tender at the Airport. In addition to
23 the above referenced bond, the operator must agree to defend, indemnify, and hold the City, its
24 employees, elected officials, contractors, subcontractors, and agents harmless for any claims, demands,
25 judgments, and damages to persons or property, and groundwater, arising out of its fueling operations,
26 including "response costs" under the Comprehensive Environmental Response, Compensation, and
Liability Act, 42 U.S.C. §9601 et al., if applicable, and remedial action costs under the Model Toxics
Control Act, Chapter 70.105D RCW, and its implementing regulations at Chapter 173-340 WAC.~~

~~G. Any owner or operator of a Fuel/Oil tender used at the Airport must provide annual certification of
accident and fire insurance, including identification by the naming of the City as an additional insured in
the amount of \$5,000,000 or as prescribed by the Airport Manager, whichever is greater.~~

15.10.030 — Fueling and defueling procedures.

18 ~~A. No aircraft shall be fueled inside a hangar. Aircraft being fueled shall be positioned so that fuel tank
19 openings or fuel vents are no closer than 25 feet from any Airport building (other than FBO's fuel
dispensing structure).~~

20 ~~B. During fueling and defueling operations, the aircraft and all fuel dispensing apparatus shall be
21 grounded to a point, or points, of zero electrical potential. Fuel nozzles, hoses, and funnels used during
22 fueling or defueling shall also be grounded. No person shall use any material during fueling or defueling
23 that may cause a static discharge.~~

24 ~~C. When backing Fuel/Oil tenders, a signal person must be available to guide the driver. The driver must
25 remain in the vehicle cab and is forbidden to stand on the running board or fender while backing. Fuel/Oil
26 tenders will at no time be blocked or so positioned as to prevent a rapid removal of such tender.~~

~~D. Aircraft Radios and electrical apparatus shall be off during fueling and defueling aircraft.~~

~~E. During fueling and defueling operations, care shall be taken to prevent overflow of fuel. If such
spillage occurs, it is the responsibility of the persons or company causing the overflow to clean the area
immediately. If damage occurs from such spillage, the Airport Manager may require the offending person
or his or her employer to pay for repair of said damage. No aircraft engine shall be started when there is
fuel on the ground under said aircraft.~~



F. No aircraft may be fueled or defueled while an engine is running nor while being warmed by applications of exterior heat.

G. No person may start or run an engine of any aircraft when there is any volatile liquid spillage on the ground under or around the aircraft.

H. No person may smoke, light matches, use aircraft radios or any electrical apparatus or spark producing equipment or object within 50 feet of any aircraft being fueled or defueled.

I. Fueling and defueling of aircraft requiring a loading ramp may be done with passengers aboard only when the loading ramp is in position, the cabin door is open, and at least two crew attendants are inside the aircraft at or near the cabin door.

J. Enplaning and deplaning of passengers during fueling operations is allowed only when offside underwing refuelers are being used and is expressly prohibited when over the wing fueling is in progress.

K. Fuel/Oil tender operators must have a spill prevention, containment, and cleanup manual on or in the vehicle at all times. In addition, the operator shall maintain a small spill preparedness kit.

15.10.040 — Spill procedures.

A. All fuel and oil handling personnel shall comply with the Airport’s Spill Prevention, Control and Countermeasures (“SPCC”) plan available at the Airport Manager’s office. All Airport tenants with an aggregate fuel or oil storage capacity greater than 1,320 gallons (including all containers with a storage capacity of 55 gallons or greater) shall prepare an SPCC plan specific to their operations. The SPCC plan must be prepared in accordance with the requirements of the federal government, 40 CFR 112. With approval and inspection by the Airport Manager, the Airport tenants, who are required to have an individual SPCC plan, may adopt the Airport SPCC plan by reference and have a copy of the Airport SPCC plan located in their airport office. If adopted by the Airport tenant, the tenant must provide a written letter to the Airport Manager stating that the Airport’s SPCC plan has full approval of the management at a level of authority to commit the necessary resources to fully implement the SPCC Plan as it pertains to the tenant’s operations. This letter must also include the on site tenant manager responsible for SPCC compliance and 24 hour contact information. A copy of this letter must accompany the tenants SPCC plan and also be located in the tenant’s airport office.

B. Persons responsible for spillage of any fuel, oil, or other harmful or contaminating substances shall immediately report such spillage to the Airport Manager.

C. Persons responsible for spillage of fuel, oil, or other harmful or contaminating substances on paved areas shall immediately cover it with an approved absorbent sufficient to absorb all liquid after which the area shall be swept clean to the satisfaction of the Airport Manager. In the event this action is not taken, Airport equipment and personnel will remove the substance or contract for its removal, and the person(s) responsible for the spill shall be required to pay an appropriate fee sufficient to reimburse the City for this work and/or repair of damages.

D. In the event of a spill, the operator shall comply with all applicable federal, state, and local laws governing such incidents.

Chapter 15.12

MOTOR VEHICLES

Sections:

15.12.010 — General requirements.

15.12.020 — Insurance.

15.12.030 — Speed.

15.12.040 — Operation rules.

15.12.050 — Reporting of accidents.

15.12.060 — Restrictions.

15.12.070 — Parking.



~~15.12.080 — Penalties and procedures for parking violations.~~

~~15.12.090 — Impoundment of vehicles.~~

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~~**15.12.010 — General requirements.**~~

~~A. No person shall operate any motor vehicle on the Airport contrary to the provisions of this chapter.~~

~~B. All signs, speed limits, and conditions set forth in this chapter are to be obeyed.~~

~~C. The provisions of Tacoma’s Model Traffic ordinance, Sections 11.05.010 through 11.05.060 TMC, shall apply to all motor vehicles operated on the Airport. Violations are subject to the jurisdiction of the Tacoma Municipal Court.~~

~~D. Any violation of this chapter that is not a violation covered by the provisions of Tacoma’s Model Traffic ordinance shall be deemed a traffic infraction and be subject to all the provisions of Chapter 46.63 RCW.~~

~~**15.12.020 — Insurance.**~~

~~All persons who operate any motor vehicle on the Airport shall comply with the liability insurance requirements of Title 46, RCW, as adopted by Tacoma’s Model Traffic ordinance.~~

~~**15.12.030 — Speed.**~~

~~No person shall operate a motor vehicle of any kind on the Airport in excess of the speed limit posted at the entrances to the Airport; except that the speed limit shall be ten miles per hour in ramp, apron, aircraft parking areas, hangar, service areas, and passenger loading areas. Posted Airport speed limits shall not exceed 25 miles per hour.~~

~~**15.12.040 — Operation rules.**~~

~~The following operation rules shall be in addition to rules governing motor vehicles included within Tacoma’s Model Traffic ordinance.~~

~~A. Pedestrians, when walking in lanes or areas on the Airport authorized for pedestrian use, shall at all times have right of way over vehicular traffic.~~

~~B. No person shall operate a motor vehicle on the Airport contrary to the directions of posted traffic signs or markings.~~

~~C. No person under the influence of liquor or narcotic drugs shall operate a motor vehicle or aircraft on the Airport.~~

~~D. No person shall operate on the Airport any motor vehicle which is overloaded or carrying more passengers than the number for which the vehicle was designed. No person shall ride on the running board, stand up in the body of a moving vehicle, or ride on the outside of the body of a vehicle or with arms or legs protruding from the body of a motor vehicle.~~

~~E. The driver of any vehicle operated on the Airport must at all times comply with the lawful order, signal, or directive of an authorized representative of the Airport Manager.~~

~~F. All vehicles shall pass to the rear of taxiing aircraft, and no vehicle shall approach closer than 50 feet from any aircraft when aircraft engines or propellers are in motion.~~

~~G. When parking adjacent to a runway, all vehicles must park parallel to the runway at least 100 feet to the outside of the runway lights and drivers shall face in the direction from which aircraft are landing and taking off.~~

~~H. All vehicles within the movement area shall display an amber beacon or such warning lights as shall be designated by the Airport Manager.~~

~~I. Vehicles not equipped, as specified above, but permitted within the movement area, must be operated by or under direct control of an Airport employee or authorized representative of the Airport Manager.~~



and, if permitted to be operated by other than Airport personnel, shall be accompanied in person or by a vehicle driven by an authorized Airport employee at a distance of not more than 50 feet.

1 ~~J. No vehicles will enter onto or cross passenger lanes while servicing aircraft on the field.~~

2 ~~K. Under emergency conditions, drivers of authorized vehicles will operate according to emergency~~
3 ~~procedures published by the Airport Manager and, in no case, shall operate within the movement area~~
4 ~~unless specifically cleared by the control tower (when in operation) or Airport Manager or a designated~~
5 ~~emergency representative.~~

6 ~~L. No person shall abandon or store any motor vehicle or trailer on the Airport, nor shall any person park~~
7 ~~a motor vehicle on the Airport for a period in excess of 24 hours unless express approval for such parking~~
8 ~~is obtained from the Airport Manager or his representative.~~

9 ~~M. No person shall park a motor vehicle in an area requiring payment for parking thereon without paying~~
10 ~~the required parking fee.~~

11 ~~N. Any person directed to remove a vehicle shall comply with such order and the Airport Manager, or his~~
12 ~~or her representative, shall have authority to remove vehicles illegally and improperly parked without~~
13 ~~liability for any claim for damages of any kind occasioned thereby, and the owner of such vehicle shall be~~
14 ~~held liable for all costs in connection with such removal.~~

15 ~~O. No person shall tamper with, enter into, or use any vehicle, either privately or publicly owned, upon~~
16 ~~the Airport without the express permission of the owner or lessee of the same.~~

17 **15.12.050—Reporting of accidents.**

18 Any persons involved in an accident on the Airport grounds, or witnesses thereto, shall report the
19 accident within 24 hours to the office of the Airport Manager. Persons involved in motor vehicle
20 accidents shall also comply with the reporting provisions of Chapter 46.52 RCW.

21 **15.12.060—Restrictions.**

22 ~~A. Loading and Unloading. The Airport Manager may designate areas for loading and unloading.~~

23 ~~B. Runways and Taxiways. No vehicles are permitted within the movement area except those operated by~~
24 ~~the City or its agents or FAA personnel, or those persons specifically authorized by the Airport Manager,~~
25 ~~such as certain fixed base operators and contractors. Following authorization of vehicles not normally~~
26 ~~seen in the air operations area, the Airport Manager shall notify control tower personnel.~~

~~C. Vehicles Equipped with Two Way Radios. City and FAA vehicles normally operating on runways and~~
~~taxiways shall be equipped with and utilize two way radios. Before entry, operators shall stop and request~~
~~permission from the control tower.~~

~~D. Vehicles without two way radios shall be escorted by an authorized vehicle with a two way radio.~~

~~E. Apron/Ramp Areas. Vehicle traffic on apron/ramp areas is restricted to aircraft owners or operators~~
~~driving to their tie down area or hangar for loading and unloading, deliveries to aircraft owners or tenants~~
~~whose aircraft or business fronts an apron area, or vehicle specifically authorized by the Airport Manager.~~
~~All vehicles on apron/ramp areas are restricted to a speed of ten miles per hour. Taxiing aircraft on~~
~~apron/ramp areas have the right of way over motor vehicles.~~

~~F. Designation of Areas. It is the motor vehicle operator's responsibility to inform himself or herself~~
~~which Airport areas are designated runways, taxiways, aprons, ramps, and parking. Current maps~~
~~designating such areas are available at the Airport Manager's office.~~

~~G. Vehicles for Hire. Vehicles for hire or car rental agencies shall only be operated on the Airport~~
~~grounds with the Airport Manager's approval and under the terms and conditions that he or she may~~
~~prescribe. Taxicabs operating on the Airport grounds must conform to proper governmental authority~~
~~which has jurisdiction over their operations.~~



15.12.070 — Parking.

1 ~~A. General Conditions. All motor vehicles on the Airport are to be parked only in designated parking lots~~
2 ~~or in a manner and place prescribed by the Airport Manager. All Airport roadways are areas of restricted~~
3 ~~parking. Parking on grass or sod areas is not permitted except with special permission of the Airport~~
4 ~~Manager (during special events such as air shows, etc.).~~

5 ~~B. Prohibited Parking Areas. It shall be unlawful for the operator of a vehicle to park such vehicle in or~~
6 ~~on any of the following places, except when necessary to avoid conflict with other traffic or to comply~~
7 ~~with other provisions of this code or with the direction of a public safety officer or traffic control sign or~~
8 ~~signal:~~

9 ~~1. Within 30 feet upon the approach to any flashing beacon, stop sign, traffic control signal, or traffic~~
10 ~~devices located at the side of the roadway;~~

11 ~~2. In front of or within 15 feet of a fire hydrant or standpipes;~~

12 ~~3. On a sidewalk or parking strip;~~

13 ~~4. Within any space marked as a fire exit;~~

14 ~~5. On that portion of any street contiguous to or opposite any outside court, corridor, passage, fire escape,~~
15 ~~exit or entrance door, or any other place adjacent to any door opening in any outer wall of any building~~
16 ~~containing, in whole or in part, any place of public assembly through which the public must pass to leave~~
17 ~~such building while such building is being utilized for public gatherings. It shall be incumbent upon and~~
18 ~~the duty of the owner or agent of the business used for the purpose herein specified to designate such~~
19 ~~prohibited areas by the placement of stanchions, signs, or curb markings of the form and type satisfactory~~
20 ~~to the Airport Manager;~~

21 ~~6. At any place where official traffic signs have been erected prohibiting parking; and~~

22 ~~7. In front of or adjacent to hangars, except while making deliveries (not to exceed 15 minutes). Tenants~~
23 ~~of hangars may park their cars in their hangars while operating their aircraft.~~

24 ~~C. Identification of No Parking and Restricted Parking Areas. Except where this section provides~~
25 ~~otherwise, the Airport Manager shall identify designated “No Parking” and “Restricted Parking” areas by~~
26 ~~using appropriate signing and/or curb painting or lettering. It shall be unlawful for any person, company,~~
27 ~~or private organization to paint curbs or paint on parking signs without the permission of the Airport~~
28 ~~Manager. No regulations imposing parking time limits or prohibiting parking shall be effective unless the~~
29 ~~signs and/or curb markings authorized herein are in place at the time of any alleged violation or~~
30 ~~infraction.~~

31 ~~1. “NO PARKING AREAS” shall be so identified either by a yellow painted curb or appropriate signing.~~

32 ~~2. “FIRE ZONES” shall be so identified either by a red painted curb or appropriate signing.~~

33 ~~3. “HANDICAPPED PARKING STALLS” shall be designated as such by appropriate markings.~~

34 ~~4. “RESTRICTED PARKING ZONES” and other restricted parking areas shall be so identified by~~
35 ~~appropriate signing.~~

36 ~~D. Restricted Parking Zones.~~

37 ~~1. Thirty Minutes Parking Zones. No person shall park a vehicle for a longer continuous time than~~
38 ~~30 minutes of any day in areas marked with signs advising of such restrictions.~~

39 ~~2. Loading Zones. No person shall park for any reason other than loading and unloading of passengers,~~
40 ~~products, or packages, in areas marked as loading zones with signs and white curb paint advising of such~~
41 ~~restrictions.~~

42 ~~3. Handicapped Zones. No person shall park a vehicle in marked handicapped parking zones on public or~~
43 ~~private property without an appropriate permit or license being displayed by the vehicle.~~



4. Fire Zones. No person shall park a vehicle in fire zones marked by red curb paint or signs advising of such restrictions.

E. Parking for Certain Purposes Unlawful. No person shall park any vehicle upon any street or parking area for the principle purpose of:

- 1. Displaying advertising and/or campaigning.
- 2. Displaying such vehicle for sale.
- 3. Selling merchandise from such vehicle except when authorized.
- 4. Loitering.

F. One Vehicle—One Space. No person shall park in such a way as to occupy parts of more than one parking space or parking a vehicle other than at the angle to the curb indicated by such markings.

G. Parking on Aircraft Tie down Locations. Tenants with aircraft tied down on the Airport may park their vehicles on the aircraft tie down while operating their aircraft.

H. Right to Move Vehicles. The City reserves the right to move any vehicles for purposes of sweeping, snow removal, or for reasons of safety or convenience, or by reason of violation of rules or regulations applicable to the Airport.

I. Authority. The parking regulations set forth in this chapter shall be enforced by the Airport Manager by and through law enforcement officers of the City and such other employees of the City as are designated by the Airport Manager. The Airport Manager shall post signs as required by RCW 46.55.070 near the public entrances to the Airport and at not less than four other spots within the Airport in clearly conspicuous locations visible to those who park on Airport property.

15.12.080— Penalties and procedures for parking violations.

A. Civil penalties for parking violations, as contained in this section, shall conform to parking violation procedures for the City of Tacoma.

B. Notice of Violation. Any vehicle found in violation of any provisions of this section shall be issued a notice of violation, which notice shall be conspicuously affixed to the vehicle by the officer finding the violation. Such notice shall be in form approved by the Airport Manager and contain the information required by Section 46.63.060 RCW, inform of the monetary penalty and method of payment, and advise of the procedure in the event of nonpayment. A notice of violation represents a determination that a violation has been committed and shall be final unless the monetary penalty is paid within 15 calendar days.

C. Whenever any motor vehicle without a driver is found parked, standing, or stopped in violation of this chapter, the officer or other authorized person finding such vehicles shall take its registration number, if visible, and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to said vehicle a notice of violation or traffic citation.

D. If payment is not made within 15 calendar days of issuance of notice of violation, an additional penalty of \$25 shall be imposed. After passage of 15 days from issuance of notice of violation, unpaid parking violations shall become traffic infractions enforceable under the provisions of Chapter 46.63 RCW and Sections 46.90.710 through 46.90.740 RCW, and Infraction Rules for Courts of Limited Jurisdiction.

E. The parking regulations contained in this chapter shall be enforced by and through members of the City police department or other uniformed officers or parking enforcement officers employed by the City.

15.12.090— Impoundment of vehicles.

A. In addition to any other penalty or remedy, vehicles on the Airport may be impounded by a registered tow truck operator at the direction of a City law enforcement officer; the Airport Manager, or his or her designee; a member of the City fire department; or other public official having jurisdiction at the Airport.



1 B. All expenses of towing and storage shall be borne by the owner of the vehicle and shall be paid by said
 2 owner to the towing or storage company. No liability shall attach to the City, the Airport, or any agents or
 3 employees of the City for any damages arising out of any impoundment.

4 C. The impound procedural and redemption provisions of Sections 11.05.702 through 11.05.705 TMC
 5 shall apply to impoundment of vehicles on the Airport.

6 **Chapter 15.14**

7 **GENERAL SAFETY RULES**

8 Sections:

9 15.14.010 — Smoking regulations.

10 15.14.020 — Combustible material storage and use.

11 15.14.030 — Disposal of waste.

12 **15.14.010 — Smoking regulations.**

13 Smoking is not permitted within 50 feet of aircraft being fueled or defueled. No smoking is permitted
 14 within 50 feet of any fuel carrier vehicle or designated buildings where fuel or combustible material is
 15 stored. Smoking is not permitted inside City owned structures. Smoking is not permitted in any area
 16 where “NO SMOKING” signs are posted. Smoking materials are to be discarded in ash trays or
 17 receptacles. Persons discarding lighted smoking materials on Airport property are subject to a fine in
 18 accordance with City ordinances and/or Board of Health regulations.

19 **15.14.020 — Combustible material storage and use.**

20 A. Storage in Hangars or Buildings. No gasoline, paints, cleaning fluid, or flammable materials may be
 21 stored in any building on the Airport grounds, other than buildings so designated for this purpose by the
 22 Airport Manager. Such designated buildings are to meet safety standards as required by the Airport
 23 Manager and City Fire Marshal. Lubricating oil kept in hangars must be in sealed cans.

24 B. Cleaning of Floors. The use of volatile flammable liquids is not permitted for the cleaning of floors of
 25 hangars or other buildings on the Airport grounds.

26 C. Painting Requirements. Painting of aircraft and doping processes shall be conducted only in buildings
 approved by the Airport Manager that comply with fire codes and field regulations.

D. Cleaning of Aircraft. Cleaning of aircraft or accessories with flammable or volatile materials is
 prohibited in hangars and buildings not specifically designated or designed for this purpose.

15.14.030 — Disposal of waste.

A. Rags, Trash, and Rubbish. Hangars and Airport buildings shall be cleaned daily of rags, waste
 material, trash, and rubbish. Tenants shall provide suitable metal receptacles with covers for the above
 items. These receptacles shall be stored away from sources of heat.

B. Petroleum Products. No petroleum products shall be dumped or allowed to spill on any Airport
 property, including ditches, sewers, or paved or unpaved surfaces. Adequate and authorized containers
 shall be used for collecting petroleum waste products. In the event of violation, the City may charge the
 cost of correcting such dumping or spillage to the offender.

Chapter 15.16

CONDUCT

Sections:

15.16.010 — Disorderly conduct.

15.16.020 — Sanitation.

15.16.030 — Preservation of property.

15.16.040 — Airport and equipment.

15.16.050 — False statements.



~~15.16.060 — Penalty.~~

~~**15.16.010 — Disorderly conduct.**~~

~~The provisions of Chapter 8.12 TMC, relating to Disorderly Conduct, shall apply to the conduct of all persons while on the Airport, and penalties for violation of any of the provisions of said chapter shall be as provided therein.~~

~~**15.16.020 — Sanitation.**~~

~~A. No person shall dispose of garbage, paper, refuse, or material of any kind on the Airport, except in the receptacles provided for that purpose.~~

~~B. No person shall use a comfort station other than in a clean and sanitary manner.~~

~~C. No person shall expectorate or spit on the floors, walls, or other surfaces of any Airport building.~~

~~**15.16.030 — Preservation of property.**~~

~~No person shall:~~

~~1. Destroy, injure, deface, or disturb in any way any building, sign, equipment marker, or other structure, device, tree, flower, lawn, or other property on the Airport;~~

~~2. Alter, make additions to, or erect any building or sign, or make any excavations on the Airport, except when duly authorized;~~

~~3. Willfully abandon any personal property on the Airport.~~

~~**15.16.040 — Airport and equipment.**~~

~~No person shall interfere with the use of, tamper with, or injure any Airport equipment or any part of the Airport.~~

~~**15.16.050 — False statements.**~~

~~No person shall knowingly or willfully make any false statement or report to the Airport Manager, his or her authorized representative, or any Airport guard.~~

~~**15.16.060 — Penalty.**~~

~~Any person, firm, corporation, or other legal entity found to have violated any provision of Sections 15.16.020 through 15.16.050 TMC of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not exceeding \$1,000 and/or imprisoned in the Pierce County jail for a term not exceeding 90 days.~~

Chapter 15.18

EMERGENCY PROCEDURES

~~Sections:~~

~~15.18.010 — Issuance.~~

~~15.18.020 — Authority.~~

~~15.18.030 — Volunteer assistance.~~

~~15.18.040 — Liability for injury or damage.~~

~~15.18.050 — Responsibility for acts.~~

~~**15.18.010 — Issuance.**~~

~~Emergency procedures for the Airport will be issued at the discretion of the Airport Manager under authority of this section.~~



15.18.020—Authority.

Under any emergency conditions, all personnel on the Airport will act strictly in accordance with the procedures, as set up, and under the direct control of the Airport Manager or his or her authorized representative.

15.18.030—Volunteer assistance.

No person shall enter upon the landing areas, ramps, or taxiways of the Airport for the purpose of attending, observing, or assisting at the scene of an accident, except persons requested or permitted to do so by the senior Airport employee on the Airport at the time of the accident and cleared by the control tower (when in operation).

15.18.040—Liability for injury or damage.

The City, and all employees and officers thereof acting in official capacity, shall not be held liable for death, injury, expense, or damage to equipment or property of any person who volunteers to assist, in any way, in case of accident on the Airport or during an emergency.

15.18.050—Responsibility for acts.

The City and its Airport employees shall not be held liable for the results of any action, decision, error, or circumstances caused by any person other than the above, whether or not proceeding under direct order of the proper Airport authority.

Chapter 15.20

RATES AND CHARGES

Sections:

15.20.010—General conditions.

15.20.020—Daily fees.

15.20.030—Monthly fees.

15.20.040—Aviation fuel sales.

15.20.010—General conditions.

A. Aircraft storage charges, fuel flowage fees, and landing fees may be established, amended, revised, deleted, or added onto by the Airport Manager with 30 days' notice to the public.

B. A current copy of rates, fees, and charges will be available upon request from the Airport office.

C. Any Airport user that is delinquent in payment of Airport charges may be removed from the Airport by order of the Airport Manager and refused the further use of the Airport and its facilities.

15.20.020—Daily fees.

A. Daily rates shall apply to aircraft parked overnight.

B. Payment of daily parking fees shall be made prior to departure of aircraft unless arrangements have been made and approved by the Airport Manager.

15.20.030—Monthly fees.

A. Monthly rates will apply whenever the accumulated daily rate becomes the greater of the two.

B. The payment of monthly fees is due and payable in advance on the first day of the calendar month.

15.20.040—Aviation fuel sales.

A. Aviation Fuel Sales—User Fees. Any firm or individual taking delivery of aviation fuel on the Airport shall pay a fee on that fuel. Said fee shall be established by the Airport Manager. Collections of fuel fees shall be remitted each month to the Airport, less any exemptions, on a form prescribed by the Airport Manager along with copies of receipts showing the amount of fuel delivered.