



Legislation Passed April 10, 2018

The Tacoma City Council, at its regular City Council meeting of April 10, 2018, 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. 39979

A resolution appointing individuals to the Commission on Immigrant and Refugee Affairs, Human Rights Commission, and Tacoma Community Redevelopment Authority Board.
[Doris Sorum, City Clerk; Bill Fosbre, City Attorney]

Resolution No. 39980

A resolution awarding a contract to 72 Hour LLC, d.b.a. National Auto Fleet Group, in the amount of \$522,738.00, plus applicable sales tax, and Scranton Manufacturing Company Inc., in the amount of \$349,168.02, plus applicable sales tax, budgeted from the Solid Waste Fund, for a projected contract total of \$871,906.02, for three compressed natural gas trucks to use in residential waste collection - National Joint Power Alliance Contract Nos. 081716-NAF and 112014-NWY.
[Lewis Griffith, Solid Waste Management Division Manager;
Michael P. Slevin III, P.E., Director, Environmental Services]

Resolution No. 39981

A resolution authorizing the execution of a negotiated Partnership Agreement with Sound Transit for enhancing coordination of the planning, design, and construction of the Tacoma Dome Link Extension project.
[Brian Boudet, Planning Division Manager; Peter Huffman, Director, Planning and Development Services]

Resolution No. 39982

A resolution authorizing the execution of a Letter of Agreement with the International Brotherhood of Electrical Workers, Local 483, Clerical Unit, to recognize the classifications of Public Disclosure Specialist and Public Disclosure Analyst as part of Local 483, for collective bargaining purposes and as FLSA overtime eligible classifications.
[Kari Louie, Senior Compensation and Benefits Manager, Human Resources;
Bill Fosbre, City Attorney]

Resolution No. 39983

A resolution authorizing the execution of a Collective Bargaining Agreement with the Tacoma Police Union, Local 6, I.U.P.A., consisting of approximately 332 budgeted full-time equivalent positions, retroactive to January 1, 2017, through December 31, 2019.
[Kari Louie, Senior Compensation and Benefits Manager, Human Resources;
Bill Fosbre, City Attorney]

Substitute Ordinance No. 28498

An ordinance amending Chapter 13.06 of the Municipal Code, relating to Zoning, to enact the proposed Temporary Shelters Permanent Land Use Regulations, as recommended by the Planning Commission.

(Continued from the meeting of April 3, 2018)

[Lauren Flemister, Senior Planner; Peter Huffman, Director, Planning and Development Services]

Ordinance No. 28499

An ordinance amending Chapter 12.09 of the Municipal Code, relating to Solid Waste, Recycling, and Hazardous Waste, to establish carry service and carry service charges; and providing for severability.

[Lewis Griffith, Solid Waste Division Manager; Michael P. Slevin III, P.E., Director, Environmental Services]

Ordinance No. 28500

An ordinance amending Chapter 10.22 of the Municipal Code, relating to Rights-of-Way, to update the policy and procedures for performance bond requirements.

[Kurtis D. Kingsolver, P.E., Director, Public Works; Peter Huffman, Director, Planning and Development Services]

Ordinance No. 28501

An ordinance amending Chapter 9.08 of the Municipal Code, entitled "Street Occupancies", by renaming the Chapter to "Right-of-Way Occupancies", and to modify the outdated permitting, insurance, and fee requirements for occupancy permits.

[Jana Magoon, Planning Manager; Peter Huffman, Director, Planning and Development Services]

Ordinance No. 28502

An ordinance amending Chapters 2.09, 2.19, and 3.09 of the Municipal Code to create new dedicated funds collected from permit fees to replace existing dedicated funds, create a reserve fund, adjust fees for single-family and duplex permits, and restructure and create a new fee schedule for permitting fees.

[Peter Huffman, Director, Planning and Development Services]



RESOLUTION NO. 39979

1 BY REQUEST OF COUNCIL MEMBERS BEALE, BLOCKER, AND USHKA

2 A RESOLUTION relating to committees, boards, and commissions; appointing
3 individuals to the Commission on Immigrant and Refugee Affairs, Human
4 Rights Commission, and Tacoma Community Redevelopment Authority
5 Board.

6 WHEREAS vacancies exist on the Commission on Immigrant and Refugee
7 Affairs, Human Rights Commission, and Tacoma Community Redevelopment
8 Authority Board, and

9 WHEREAS, at its meetings of March 8, 2018, and March 22, 2018, the
10 Community Vitality and Safety Committee conducted interviews and
11 recommended the appointment of individuals to the Commission on Immigrant
12 and Refugee Affairs, and

13 WHEREAS, at its meeting of March 22, 2018, the Community Vitality and
14 Safety Committee conducted interviews and recommended the appointment of
15 individuals to the Human Rights Commission, and

16 WHEREAS, at its meeting of March 22, 2018, the Community Vitality and
17 Safety Committee interviewed and recommended the appointment of an individual
18 to the Tacoma Community Redevelopment Authority Board, and

19 WHEREAS, pursuant to the City Charter Section 2.4 and the Rules,
20 Regulations, and Procedures of the City Council, the persons named on Exhibit "A"
21 have been nominated to serve on the Commission on Immigrant and Refugee
22 Affairs, Human Rights Commission, and Tacoma Community Redevelopment
23 Authority Board; Now, Therefore,
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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That those nominees to the Commission on Immigrant and Refugee Affairs, Human Rights Commission, and Tacoma Community Redevelopment Authority Board, listed on Exhibit "A," are hereby confirmed and appointed as members of such board and commissions for such terms as are set forth on the attached Exhibit "A."

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Chief Deputy City Attorney



EXHIBIT "A"

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COMMISSION ON IMMIGRANT AND REFUGEE AFFAIRS

Appointing **Saiyare Refaei** to the "Youth or Young Adult" position for a one-year term to expire February 28, 2019.

Appointing **Vaelupemaua Anitema** to a one-year term to expire February 28, 2019.

Appointing **George Conzuelo** to a one-year term to expire February 28, 2019.

Appointing **Diana Parra** to a two-year term to expire February 29, 2020.

Appointing **Alma Vargas** to a two-year term to expire February 29, 2020.

Appointing **Clara Zamalloa** to a two-year term to expire February 29, 2020.

Appointing **Silong Chhun** to a three-year term to expire February 28, 2021.

Appointing **Eunice Ngwasi Kalembu** to a three-year term to expire February 28, 2021.

Appointing **Jefferson Mok** to a three-year term to expire February 28, 2021.

Appointing **Hieu Nguyen** to a three-year term to expire February 28, 2021.

Appointing **Maria Villalpando Ramos** to the "Alternate" position for a one-year term to expire February 28, 2019.

HUMAN RIGHTS COMMISSION

Appointing **Sarah Lee** to fill an unexpired term, effective April 10, 2018, to expire February 29, 2020.

Appointing **Michealea Lemons** to fill an unexpired term, effective April 10, 2018, to expire February 29, 2020.

Appointing **Melvin Nobles Jr.** to fill an unexpired term, effective April 10, 2018, to expire February 28, 2021.

TACOMA COMMUNITY REDEVELOPMENT AUTHORITY BOARD

Appointing **Ian Northrip** to the "Attorney" designation to fill an unexpired term to expire February 28, 2019, followed by an extension to expire February 28, 2021.



RESOLUTION NO. 39980

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the execution of a contract
3 with 72 Hour LLC, d.b.a. National Auto Fleet Group, in the amount of
4 \$522,738.00, plus applicable sales tax, for three Compressed Natural
5 Gas, single rear axle loader chassis, and Scranton Manufacturing
6 Company Inc., in the amount of \$349,168.02, plus applicable sales tax,
7 for three 18-cubic yard rear loader refuse trucks, budgeted from the
8 Solid Waste Fund, for a projected contract total of \$871,906.02, for use
9 in residential waste collection, pursuant to National Joint Power Alliance
10 Contract Nos. 081716-NAF and 112014-NWY.

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 the attached Exhibit "A"; Now,

17 Therefore,

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

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

22 Section 2. That the proper officers of the City are hereby authorized
23 to enter into a contract with 72 Hour LLC, d.b.a. National Auto Fleet Group,
24 in the amount of \$522,738.00, plus applicable sales tax, for three
25 Compressed Natural Gas, single rear axle loader chassis, and
26 Scranton Manufacturing Company Inc., in the amount of \$349,168.02, plus



1 applicable sales tax, for three 18-cubic yard rear loader refuse trucks,
2 budgeted from the Solid Waste Fund, for a projected contract total of
3 \$871,906.02, for use in residential waste collection, pursuant to National
4 Joint Power Alliance Contract Nos. 081716-NAF and 112014-NWY,
5 consistent with Exhibit "A."
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8 Adopted _____

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11 Mayor

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13 Attest: _____
14 City Clerk

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16 Approved as to form: _____
17 City Attorney

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RESOLUTION NO. 39981

1 BY REQUEST OF MAYOR WOODARDS

2 A RESOLUTION relating to transportation; approving the execution of a negotiated
3 Partnership Agreement with Sound Transit for the purpose of enhancing
4 coordination on the planning, design, and construction of the Tacoma Dome
Link Extension Project.

5 WHEREAS the Sound Transit 3 (“ST3”) high-capacity transit system
6 expansion, approved by voters in November 2016, includes a variety of projects to
7 be implemented over the next 25 years, and
8

9 WHEREAS connecting the South Sound area and the second largest city in
10 the region to the Puget Sound light rail spine is critical to our success and the
11 region’s long-term success, and
12

13 WHEREAS Tacoma is committed to implementing the principles of the state
14 Growth Management Act and the regional growth and transportation strategies
15 (Vision 2040, Transportation 2030, and their updates), of which a key component
16 is ensuring that we link infrastructure investments and growth in a way that
17 reduces our dependence on single-occupancy vehicles and growing commutes,
18 and
19

20 WHEREAS these high-capacity connections are absolutely key to providing
21 the full menu of transportation alternatives necessary to meeting the needs of our
22 growing population in a more sustainable, flexible and resilient way, and
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24 WHEREAS it is critical to recognize that these types of substantial
25 investments are fifty plus year decisions on investments that are made only once
26 every few generations, and



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WHEREAS the decision making process must be strategic, thoughtful, and collaborative, with the entire community and particularly with the Puyallup Tribe, one of our most significant community partners, and

WHEREAS, we must understand that these types of projects have the power to create, shift and catalyze growth in communities and to create value and opportunity for some, but the past also shows us that such projects, if done without sufficient consideration, can divide communities, exacerbate equity issues, and reduce value and opportunity for others, and

WHEREAS, the City is fully committed to getting this done on schedule, if not sooner, and within available resources, but we are even more committed to getting it right, and

WHEREAS Tacoma is supportive of the intent of identifying a preferred alternative early in the process as a mechanism to facilitate a streamlined environmental review and design process, but recognizes that this type of early decision-making is going to necessitate that the process is grounded in equitable community engagement and is designed to get broad consensus and buy-in, at the legislative, administrative, and public levels, and

WHEREAS all parties must recognize that this is part of a regional system that also has local impacts, it is critical to ensure that the process reflects a balance of regional perspectives and local perspectives, and the process must be very clear about what decisions are being made at what points in the process, and what the criteria are that are used to make such decisions, and



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WHEREAS, the decision making process must ensure the validity and strength of the resulting decisions by making them only after significant analysis of the various alternatives and the potential benefits, costs and tradeoffs, and

WHEREAS Tacoma is committed to a project design and station locations that directly promote ridership and efficient service while also catalyzing transit-oriented development and supporting multi-modal access and connectivity, economic opportunity, housing affordability, social equity, healthy communities, environmental sustainability, and the preservation and support of unique cultural and community character, and

WHEREAS the Alternatives Analysis shall be comprehensive enough to examine all viable alternatives to facilitate the best long-term decision, and shall include the specific elements enumerated in this Resolution, and

WHEREAS the Alternatives Analysis shall include an examination of consistency with regional transportation and land use plans and the City's adopted policies and plans, including the One Tacoma Plan, the Transportation Master Plan, and the South Downtown Subarea Plan, and

WHEREAS the Alternatives Analysis shall include early consideration of key environmental, economic and operational impacts and issues, and

WHEREAS the Alternatives Analysis shall include options that effectively connect Tacoma's Eastside and its current and future residents, employment, and destinations

WHEREAS the Alternatives Analysis shall include examination of how this project will integrate, interact and support the other transportation systems and



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modes in the station areas, particularly near the Tacoma Dome Station, which is the most concentrated multi-modal hub in the region with Tacoma LINK, Sounder Commuter Rail, Pierce Transit, Intercity Transit, Greyhound, Amtrak and planned Bus Rapid Transit service, and

WHEREAS the Alternatives Analysis shall include recognition that this is not the endpoint of this system, and project design needs to reflect and facilitate future expansions to the City's other growth centers, as well as potential improved connections to the Downtown Core and potential connections to other communities in the South Sound, and

WHEREAS implementing the ST3 plan consistent with the scope, budget, and schedule approved by the voters will require coordination and collaboration by Sound Transit and its federal, state, and local partners, and

WHEREAS Sound Transit is beginning the initial planning phases for the STE Project, and the City will play a key role as one of the primary partners for this multi-jurisdictional transit project, and

WHEREAS the ST3 plan includes the Tacoma Dome Link Extension ("TDLE") Project, which includes two key elements: (1) the Central Link light rail expansion from Federal Way to the Tacoma Dome area; and (2) a Light Rail Operations and Maintenance Facility along the Federal Way-to-Tacoma corridor, and

WHEREAS, in order to facilitate a smooth planning, design, and construction process, Sound Transit is pursuing Partnership Agreements with each



of the jurisdictions along the route, and moving the Alternatives Analysis phase to
1 earlier in the process, and

2 WHEREAS these changes will allow for more and earlier community and
3 inter-jurisdictional engagement, with the intent of ensuring that solid, supported
4 decisions can be made progressively through the process and then sustained as
5 the design and development process continues forward, and
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7 WHEREAS providing early direction on City/local priorities and issues is one
8 way the City can support the shared goal of moving the project forward efficiently
9 and ensuring that it results in a regional transit project that appropriately balances
10 and best meets both regional and local goals, and
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12 WHEREAS this issue was presented to the Planning Commission at its
13 meeting of February 21, 2018; to the Infrastructure, Planning and Sustainability
14 Committee at its meeting of February 28, 2018; and to the City Council at its Study
15 Session of March 20, 2018, with input from those discussions incorporated herein,
16 particularly as it relates to the stated City/local goals and interests, and
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18 WHEREAS this formalized partnership expresses the City's general
19 commitment to the TDLE Project, as well as a commitment to work cooperatively
20 with Sound Transit and the other jurisdictions on planning, design and construction
21 of the project; and will provide early direction and input on high-level City/local
22 goals and interests that should be considered as part of the upcoming planning
23 process, and
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25 WHEREAS, while it would be outlined in detail through a future, separate
26 agreement, the proposed Partnership Agreement incorporates a commitment from



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Sound Transit to reimburse the City for staff costs associated with future services that support the TDLE Project; Now Therefore,

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

1. That the Recitals of this Resolution are hereby adopted as the Council's legislative findings regarding the Alternatives Analysis.

2. That the proper officers of the City are hereby authorized to execute the Partnership Agreement with Sound Transit for the purpose of enhancing coordination on the planning, design, and construction of the Tacoma Dome Link Extension Project, said document to be substantially in the form of the agreement on file in the office of the City Clerk.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



RESOLUTION NO. 39982

1 A RESOLUTION relating to collective bargaining; authorizing the execution of a
2 Letter of Agreement negotiated between the City of Tacoma and the
3 International Brotherhood of Electrical Workers, Local 483, Clerical Unit,
4 recognizing the Public Disclosure Specialist and Public Disclosure Analyst
5 classifications as part of the Local 483 Clerical Unit for collective bargaining
6 purposes and as FLSA overtime eligible classifications.

5 WHEREAS the City has, for years, adopted the policy of collective
6 bargaining between the various labor organizations representing employees and
7 the administration, and

8
9 WHEREAS Resolution No. 39520, adopted August 23, 2016, authorized the
10 execution of the 2016-2019 Collective Bargaining Agreement (“CBA”) between the
11 City of Tacoma and International Brotherhood of Electrical Workers, Local 483,
12 Clerical Unit (“Union”), on behalf of the employees represented by said Union, and

13
14 WHEREAS the City and Union have negotiated a Letter of Agreement
15 (“LOA”) to the CBA that the Public Disclosure Specialist (CSC 1140), and Public
16 Disclosure Analyst (CSC 1141) classifications will be: (1) represented by the Union
17 for purposes of collective bargaining; and (2) designated as FLSA overtime eligible
18 and subject to overtime provisions of the current CBA, and

19
20 WHEREAS it appears in the best interest of the City that the LOA negotiated
21 by said Union and the City be approved; Now, Therefore,

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

23 That the proper officers of the City are hereby authorized to execute the
24 Letter of Agreement negotiated between the City of Tacoma and the
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1 International Brotherhood of Electrical Workers, Local 483, Clerical Unit, said
2 document to be substantially in the form of the document on file in the office of the
3 City Clerk.
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5 Adopted _____
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8 Mayor

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11 City Clerk

12 Approved as to form:
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15 Deputy City Attorney

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RESOLUTION NO. 39983

1 A RESOLUTION related to collective bargaining; authorizing the execution of
2 a three-year Collective Bargaining Agreement between the City and
3 Tacoma Police Union, Local 6, I.U.P.A., effective retroactive to
4 January 1, 2017, through December 31, 2019.

5 WHEREAS the City has, for years, adopted the policy of collective
6 bargaining between the various labor organizations representing employees and
7 the administration, and

8 WHEREAS this resolution allows for the execution of a three-year Collective
9 Bargaining Agreement (“CBA”) between the City and Tacoma Police Union,
10 Local 6, I.U.P.A. (“Union”), on behalf of the employees represented by said Union,
11 and

12 WHEREAS the bargaining unit consists of approximately 332 budgeted,
13 full-time equivalent positions, and

14 WHEREAS the CBA will provide for a wage increase of 4.5 percent effective
15 retroactive to January 1, 2017; a wage increase of 3 percent effective retroactive to
16 January 1, 2018; and, effective January 1, 2019, wages shall increase by an
17 amount equal to 100 percent of the increase in the Consumer Price Index for
18 Urban Wage Earners and Clerical Workers (“CPI-W”) for Seattle-Tacoma-Bellevue,
19 measured from June 2018 to June 2019, with a minimum increase of 1 percent
20 and a maximum increase of 5 percent, and

21 WHEREAS in the event the CPI-W based wage increase is not sufficient to
22 maintain the current first place ranking in the market, an amount shall be applied to
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maintain the current first place ranking, by using the comparable jurisdictions of
1 Bellevue, Everett, Kent, Spokane, and Vancouver, and

2 WHEREAS other changes include: (1) the continuation of the Voluntary
3 Employee Beneficiary Association for eligible retiring employees, with current
4 employees foregoing three-quarters of 1 percent (0.75%) of salary towards the
5 program, and (2) Local 6 members will be integrated into the same City benefit
6 programs as other employees, as well as have the ability to participate in additional
7 options available with the City's Wellness program, and
8

9 WHEREAS it appears in the best interests of the City that the CBA
10 negotiated by said Union and the City be approved; Now, Therefore,
11

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

13 That the proper officers of the City are hereby authorized to execute the
14 three-year Collective Bargaining Agreement between the City and
15 Tacoma Police Union, Local 6, I.U.P.A., effective retroactive to January 1, 2017,
16 through December 31, 2019, said document to be substantially in the form of the
17 agreement on file in the office of the City Clerk.
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19 Adopted _____
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21 _____
22 Mayor

23 Attest: _____
24 City Clerk

25 Approved as to form:
26 _____
Deputy City Attorney



SUBSTITUTE ORDINANCE NO. 28498

1 AN ORDINANCE relating to zoning and land use controls; amending
2 Sections 13.06.635 and 13.06.700 of the Tacoma Municipal Code to enact
3 Temporary Shelters Permanent Land Use Regulations.

4 WHEREAS, on May 2, 2017, the City Council adopted Resolution
5 No. 39716, directing the City Manager to prepare an Emergency Temporary Aid
6 and Shelter Program and an ordinance declaring a state of emergency, in
7 response to the current homelessness crisis, and

8 WHEREAS, on May 9, 2017, the City Council passed Ordinance No. 28430,
9 declaring a State of Public Health Emergency, effective through October 9, 2017,
10 and, on that same date, the City Manager presented the three-phase Emergency
11 Aid and Sheltering Program and immediately began implementation of the
12 program, and

13 WHEREAS, on June 6, 2017, the City Council passed Ordinance
14 No. 28432, enacting interim zoning and land use controls as an emergency
15 measure, effective through November 14, 2017, to permit the City to site temporary
16 emergency shelters in response to the declared public emergency, and

17 WHEREAS, on October 3, 2017, the City Council passed Ordinance
18 No. 28458, extending the sunset date of the declared State of Public Health
19 Emergency from October 9, 2017, to December 31, 2017, and

20 WHEREAS, on October 17, 2017, the City Council passed Ordinance
21 No. 28460, retaining and modifying the interim regulations enacted per Ordinance
22 No. 28432, which enabled the continued operation of the current stability site and
23 allowed faith-based organizations and non-profits to host temporary homeless
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1 camps, as substantially outlined in Tacoma Municipal Code (“TMC”) 13.06.635.B.4,
2 and making said interim regulations effective through April 16, 2018, and

3 WHEREAS, on December 12, 2017, the City Council passed Ordinance
4 No. 28478, further extending the sunset date of the declared State of Public Health
5 Emergency to December 31, 2018, and

6 WHEREAS the Planning Commission has reviewed the interim regulations
7 as set forth in Ordinance No. 28460, within the context of the three-phase
8 Emergency Aid and Sheltering Program; developed draft permanent regulations for
9 the City Council's consideration for adoption prior to the expiration of the interim
10 regulations; conducted a public hearing on February 7, 2018, to receive public
11 comment on the draft regulations; and put forward its recommendation on
12 February 21, 2018, as documented in the Commission's Findings of Fact and
13 Recommendations Report, and

14 WHEREAS, on March 20, 2018, the City Council held a public hearing on
15 the proposed Emergency Shelters Permanent Regulations, as recommended by
16 the Planning Commission; and held a Study Session on March 27, 2018, to review
17 the citizen testimony received and consider any potential amendments to the
18 regulations, and

19 WHEREAS the City Council finds that it is in the best interest of the public
20 health, safety, and welfare to enact the proposed Temporary Shelters Permanent
21 Land Use Regulations, as recommended by the Planning Commission, as set forth
22 in Exhibit “A,” attached hereto; Now, Therefore,
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BE IT ORDAINED BY THE CITY OF TACOMA:

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That Sections 13.06.635 and 13.06.700 of the Tacoma Municipal Code
are hereby amended as set forth in the attached Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

EXHIBIT “A”

**Chapter 13.06
Zoning**

* * *

13.06.635 Temporary use.

A. Purpose. The purpose of this section is to allow listed temporary uses which:

- 1. Are not contrary to the various purposes of this chapter;
- 2. Will not impede the orderly development of the immediate surrounding area, as provided for in the Comprehensive Plan and the zoning district in which the area is located; and
- 3. Will not endanger the health, safety, or general welfare of adjacent residences or the general public.

B. Temporary uses.

- 1. General. A temporary use shall be subject to the standards of development specified in this section.
- 2. Duration and/or frequency. Where permitted as a temporary use, the following uses may be authorized for the time specified in Table 1, and subject to Section 13.06.635.B.

Table #1: TEMPORARY USES ALLOWED – NUMBER OF DAYS ALLOWED	
Temporary Use Type	Days Allowed Per Year
Seasonal sales	45
Carnival	14
Temporary housing	See Section 13.06.635.B.3.a
Temporary office space	See Section 13.06.635.B.3.b
Temporary storage	See Section 13.06.635.B.3.d
Temporary shelters homeless camps	See Section 13.06.635.B.4

a. The duration of the temporary use shall include the days the use is being set up and established, when the event actually takes place, and when the use is being removed.

b. A parcel may be used for no more than three temporary uses within a calendar year; provided, the time periods specified in Table 1 are not exceeded. Multiple temporary uses may occur on a parcel concurrently; provided, the time periods in Table 1 are not exceeded.

* * *

4. Temporary ~~Shelters~~~~Homeless Camps~~.

a. Purpose. In recognition of the need for temporary housing for homeless persons, it is the purpose of this section to allow sponsoring religious, non-profit, and governmental organizations to use property owned or controlled by them for temporary homeless ~~shelter~~~~seamps~~, while preventing harmful effects associated with such uses, including the use of open flames, the possibility of impediments to emergency services, the possibility of environmental degradation, the use of improper sanitary facilities, and the possibility of any other factors that would be considered a nuisance under applicable laws.

b. Application. In order to allow sponsoring religious, non-profit, and governmental organizations to establish a temporary ~~shelters~~~~homeless camp~~ on qualifying property, a permit must be obtained from Planning and Development Services in accordance with TMC 13.05, Land Use Permit Procedures, and the following:

(1) The Director of Planning and Development Services is authorized to issue permits for temporary ~~homeless camps~~~~shelters~~ only upon demonstration that all public health and safety considerations have been adequately addressed, and may administratively adjust standards upon providing findings and conclusions that justify the requirements. A permit allowing a temporary shelter site may be terminated if the City determines the site is unfit for human habitation based on safety, sanitary conditions or health related concerns or activities have become disorderly or disorganized so as to impact the safety, health, and welfare of the neighborhood adjacent to the site.

(2) An application for a temporary ~~homeless campshelter~~ shall include the following:

(a) The dates of the start and termination of the temporary ~~homeless campshelter~~;

(b) The maximum number of residents proposed;

(c) The location, including parcel number(s) and address(es);

(d) The names of the managing agency, proposed self-management plan (the self-management plan would require consultation with the sponsor and oversight by City staff and meetings with neighboring property owners, businesses, Safe Streets organizations, Neighborhood Councils, and/or similar organizations), or manager and sponsor;

(e) A site plan showing the following shall be prepared and reviewed by staff, which will make recommendations for best practices, including Crime Prevention through Environmental Design (“CPTED”) principles:

(i) Property lines;

(ii) Property dimensions;

(iii) Location and type of fencing/screening (must be a minimum of ten feet from property lines);

(iv) Location of all support ~~tents~~/structures (administrative, security, kitchen, and dining areas) or planned space to be used inside an on-site structure;

(v) Method of providing and location of potable water;

(vi) Method of providing and location of waste receptacles;

(vii) Location of required sanitary stations (latrines, showers, hygiene, hand washing stations);

(viii) Location of vehicular access and parking;

(ix) Location of ~~tents and/or~~ dwellings for each person (must meet Tacoma-Pierce County Health Department requirements);

(x) Entry/exit control points;

(xi) Internal pathways, and access routes for emergency services.

(f) A statement from the sponsoring religious, ~~non-profit, or governmental~~-organization regarding its commitment to maintain liability insurance in types and amounts sufficient to cover the liability exposures inherent in the permitted activity during the existence of any sponsored temporary ~~homeless campshelter~~;

(g) a signed trespass order filed with the Tacoma Police Department

(h) a mandatory preapplication meeting to be attended by city representatives, such as agents from Planning and Development Services and Neighborhood and Community Services, as deemed appropriate.

(i) transition plan for assisting residents in moving to another location

c. Safety and health requirements. A temporary ~~homeless campshelter~~ shall be established in accordance with the following standards:

(1) No more than 100 residents shall be allowed per ~~camp-shelter~~ location. The City may further limit the number of residents as site conditions dictate.

(2) A minimum of 7,500 square feet of site area shall be required for ~~campshelters serving~~ up to 50 people. The minimum site area may be proportionally reduced if adjacent existing buildings are used for sleeping or support facilities such as kitchen, dining hall, showers, and latrines.

(3) For a ~~camp-shelter serving~~ more than 50 residents, the minimum 7,500 square-foot ~~camp-site~~ area shall be increased by 150 square feet for each additional resident, up to a total of 100 residents.

(4) The maximum duration of a ~~homeless camptemporary shelter~~ shall be ~~93~~185 consecutive days, except as provided below:- Gravel or paved camp sites and sites not zoned for residential use may extend the maximum duration of the camp to 123 consecutive days.

(a) The Director may extend the permit once for up to 40 days if unforeseen problems arise regarding shelter relocation. An extension must be requested before the last 30 days of the temporary permit and will not be granted if any violation of the temporary shelter permit has occurred. Notice of such an extension shall be provided to the same notification list required for the original permit application, as well as any other individuals who commented on the original request.

(b) The Director may extend the permit once when inclement weather, natural disaster, or other emergency necessitates the continued use of the shelter location. The Director may extend the permit until the event necessitating the extension has ended but no longer than 90 days. An extension must be requested prior to the event or when reasonable given the circumstances of the event. Notice of such an extension shall be provided to the same notification list required for the original permit application, as well as any other individuals who commented on the original request.

(c) The Director may extend the temporary permit for a longer period, up to 180 days, if the shelter has demonstrated continuing need and demonstrated compliance with this chapter. An extension must be requested before the last 60 days of the existing temporary permit. As indicated in Section 13.05.020.H, the maximum duration for this type of temporary permit is one year, however, successive permits for one shelter facility can also be approved under this section. If an extension is approved, the decision shall address any appropriate modifications to conditions of approval. This type of long-term extension, or successive long-term permits, shall be processed in the same manner required for the original Temporary Shelters Permit (as outlined in Section 13.05), including the same level of community notification, community meeting, and comment period. The Director's decision regarding this type of extension shall require periodic monitoring not less than every 45 days. An extension shall not be granted if any violation of the existing temporary shelter permit has occurred. In considering whether to grant this type of long-term extension, the Director shall consider factors such as:

i. The number of code compliance cases.

ii. The number of calls placed to police due to disruptions on-site by residents.

iii. The number of community engagements, which may include meetings or volunteer opportunities.

iv. A report documenting the status of resident jobs, skills, or behavioral trainings.

v. A report documenting efforts, up to and including, transitioning of residents into other temporary, long-term, or more stable housing.

(a) A one-time extension of up to 40 days, or longer in the case of:

~~i. inclement weather, may be granted by the Director if unforeseen problems arise regarding camp shelter relocation. An extension must be requested before the last 30 days of the temporary permit and will not be granted if any violation of the camp temporary shelter permit has occurred.~~

(5) A ~~camp temporary shelter~~ may only return to the same ~~church-owned~~ site after ~~two years six months~~ has lapsed since the ~~start-end~~ date of the previous ~~camp temporary shelter~~. ~~Gravel or paved camp sites and sites not zoned for residential use may decrease the relocation time to 18 months from the start date of the previous camp.~~

(6) In no event shall more than ~~two six~~ ~~homeless camp temporary shelter~~ sites be permitted within the City at any given time. Additionally, a maximum of two (2) shelters should be allowed in any single Police Sector at any given time and a minimum of one mile must separate each temporary shelter site. Prior to approving a request for a second temporary shelter location within a sector, all other sectors shall have a temporary shelter location. As part of process for approving a second location within a sector, the City shall determine whether there are adequate City services to support the second location in a sector.

(7) ~~Outdoor shelters~~ ~~The encampment~~ shall be enclosed on all sides with a minimum six-foot tall, ~~sight~~ ~~te~~-obscuring fence. ~~No fence will be required if the site is out of view of adjacent properties.~~

(8) Permanent structures are prohibited from being constructed within the ~~camp temporary shelter~~ site. Existing permanent structures may be used for sheltering or service provision.

(9) Temporary ~~homeless camps~~ ~~shelters~~ are prohibited in Shoreline Districts, critical areas, and their buffers.

(10) The sponsoring religious, non-profit, or governmental organization shall work with Neighborhood and Community Services and other agencies to find more permanent housing solutions for the inhabitants of the camp shelter during its operation.

(11) One security/office/operations ~~tent or~~ structure shall be provided for the campsite manager. The manager must be on site at all times. Persons who are acting as the on-site manager must be awake while on shift to monitor the security of the campshelter and be ready and able to alert police and/or other emergency responders if the need arises.

(12) The minimum age for unaccompanied camp shelter residents ~~inhabitants~~ is 18 years of age. Individuals under the age of 18 will only be allowed if accompanied by a guardian.

(13) Each resident shall be pre-screened for warrants and a background check shall be completed by the sponsor religious, non-profit, or governmental organization. No sex offenders will be permitted as camp shelter residents.

(14) The temporary homeless campshelter must be located within one-~~quarter-half~~ mile of a bus route transit stop that is in service seven days per week.

(15) The following facilities and provisions must be made available on-site and approved for adequacy and location by the Tacoma-Pierce County Health Department prior to occupancy:

(a) Potable water as approved or provided by local utilities. Estimated usage is four to five gallons per day, per resident.

(b) Provide sanitary ~~portable~~ toilets as provided in the following table:

Number of <u>camp</u> residents	1-20	21-40	41-60	61-80	81-100
Number of toilets required	1	2	3	4	5

~~(c) Provide hand washing stations with warm water, soap, paper towels and covered garbage cans and recycling containers at the following locations:~~

(i) Hand washing stations next to ~~portable~~ toilets provided in the following manner:

Number of <u>camp</u> residents	1-15	16-30	31-45	46-60	61-75	76-90	91-100
Number of stations required	1	2	3	4	5	6	7

~~(ii) One at the entrance to the dining area; and~~

~~(iii) One at the food preparation area.~~

(d) Showering facilities are required as provided in the following table:

Number of <u>camp</u> residents	1-33	34-66	67-100
Number of showers required	1	2	3

(e) At least one food preparation area/~~tent~~ with refrigeration, sinks, and cooking equipment. If food is prepared on-site, adequate dishwashing facilities must be available.

(f) Food preparation, storage, and serving. No children under the age of ten shall be allowed in food preparation or storage areas.

(g) An adequate water source must be made available to the campsite.

(h) Indoor sleeping shelters-facilities must meet the following standards:

(i) Must comply with all life safety and building code requirements.

(i) Outdoor sleeping facilities must meet the following standards:

(i) Minimum two foot separation is required on sides and rear of tents from other tents, and a clear area of four feet is required at the entrance to all tents. All tents will be flame retardant. Appropriate spacing is required between all temporary, semi-permanent, and permanent sleeping structures of all types, materials, and sizes. Appropriate spacing will be specified during application intake and review.

~~(ii) Minimum of 30 square feet per resident in group tents.~~

~~(iii) Minimum 40-50 cubic feet of air space per resident in group tents.~~

~~(iv) Beds arranged at least three feet apart in group tents.~~

(j) Waste water disposal, ~~including mop sink~~, which drains to sanitary sewer.

(k) Solid waste: Garbage and recycling removal by local utilities. Adequate scheduled dumping to prevent overflow. ~~Estimate 30-gallon capacity per 10 residents.~~ Infectious waste/sharps disposal shall be made available.

(l) Premises must be maintained to control insects, rodents, and other pests.

(16) Premises must be maintained as approved by the Tacoma Fire Department (“TFD”), including:

(a) Approval letter from the TFD, should the ~~campshelter site~~ contain structures in excess of 200 square feet or canopies in excess of 400 square feet.

(b) Provide ~~fire extinguishers in quantity and locations as specified by TFD. at least one fire extinguisher, as specified by TFD, within 75 feet from every tent, and at least one fire extinguisher in the kitchen facility and security office/tent.~~

(c) Adequate access for fire and emergency services, with a minimum of two access points, shall be maintained.

(d) No smoking or open flames shall be allowed in ~~tentsleeping or food prep structures~~. Smoking within the ~~camp shelter site~~ will be within designated smoking areas only.

(e) Electrical inspections, in coordination with a Planning and Development Services electrical inspector, shall occur to ensure safe installation of power, if provided, ~~including~~ to support ~~tents and~~ facilities (administration, security, kitchen, dining, shower, hygiene, and latrine facilities) and ~~any individual living tentsleeping structures~~.

(f) Security Plan. The security plan shall:

(i) List the contact name and phone number of the on-site manager;

(ii) Contain an evacuation plan for the ~~camptemporary shelter~~;

(iii) Contain a controlled access plan for residents; and

(iv) Contain a fire suppression and emergency access plan.

(17) Parking standards.

(a) Parking spaces, layouts, and configuration shall be designed in accordance with TMC 13.06.510.

(b) A minimum of two off-street parking spaces per 25 residents are required for all temporary ~~homeless campshelters~~.

(c) Any required parking for the principal/existing use on-site shall not be displaced as a result of the temporary ~~homeless campshelter~~.

(18) Refuse and recycling containers shall be provided on-site, with service provided by Solid Waste Management and paid for by the applicant.

* * *

13.06.700 Definitions and illustrations.

* * *

13.06.700.P

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Plants; Plant; Plant Material. These terms refer to vegetation in general, including trees, shrubs, vines, groundcovers, ornamental grasses, bulbs, corms, tubers, or herbaceous vegetation.

Police Sector. Areas created by the Tacoma Police Department to support its Community Policing Division, which focuses on proactive policing in partnership with the community.

* * *

13.06.700.T

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Temporary housing. A structure, usually an automobile house trailer or mobile home, of a temporary nature not involving permanent installations.

Temporary shelters. A temporary type of accommodation for persons without permanent housing or a fixed address that provides shelter by means of a structure or dwelling unit.

* * *

Chapter 13.05

LAND USE PERMIT PROCEDURES

13.05.020 Notice process.

H. Notice and Comment Period for Specified Permit Applications. Table H specifies how to notify, the distance required, the comment period allowed, expiration of permits, and who has authority for the decision to be made on the application.

Table H – Notice, Comment and Expiration for Land Use Permits

Permit Type	Preapplication Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit
Interpretation of code	Recommended	100 feet for site specific	For general application	Yes	14 days	Director	No	No	None
Uses not specifically classified	Recommended	400 feet	Yes	Yes	30 days	Director	No	No	None

Temporary Homeless Camp Shelters Permit	Required	400 feet	Yes	Yes	14 days	Director	No	No	1 year
Minor Variance	Optional	100 feet ⁷	No	No	14 days	Director	No ¹	No	5 years
Variance	Optional	100 feet	No	Yes	14 days	Director	No ¹	No	5 years

INFORMATION IN THIS TABLE IS FOR REFERENCE PURPOSE ONLY.

* Programmatic Restoration Projects can request 5 year renewals to a maximum of 20 years total.

When an open record hearing is required, all other land use permit applications for a specific site or project shall be considered concurrently by the Hearing Examiner (refer to Section 13.05.040.E).

- ¹ Conditional use permits for wireless communication facilities, including towers, shall expire two years from the effective date of the Director’s decision and are not eligible for a one-year extension.
- ² Comment on land use permit proposal allowed from date of notice to hearing.
- ³ Must be recorded with the Pierce County Auditor within five years.
- ⁴ Special use permits for wireless communication facilities, including towers, are limited to two years from the effective date of the Director’s decision.
- ⁵ If a public meeting is held, the public comment period shall be extended 7 days beyond and including the date of the public meeting.
- ⁶ Refer to Section 13.05.070 for preliminary plat expiration dates.
- ⁷ Public Notification of Minor Variances may be sent at the discretion of the Director. There is no notice of application for Minor Variances.



ORDINANCE NO. 28499

1 AN ORDINANCE relating to solid waste management; amending Chapter 12.09 of
2 the Tacoma Municipal Code to establish carry service and carry service
charges; and providing for severability.

3 WHEREAS the City has established a solid waste utility mandating
4 compulsory and universal service, and
5

6 WHEREAS, in some instances, it is impracticable or infeasible for solid
7 waste customers to deliver solid waste containers to the curb, street, or alley for
8 collection services, and

9 WHEREAS Solid Waste Management has received requests for expanded
10 carry service for commercial customers that would allow containers to be located
11 at an approved location on the customer's premises, to be moved by Solid Waste
12 Management personnel to the collection vehicle and returned to the pre-approved
13 location, and
14

15 WHEREAS Solid Waste Management has analyzed the feasibility of, and
16 the additional costs that would be associated with, such expanded carry service
17 and determined that such service could be provided on a pre-approved basis,
18 subject to the carry service charges as set forth in this ordinance, and
19

20 WHEREAS Solid Waste Management has recommended that the City
21 Council approve the proposed TMC amendments, allowing for expanded carry
22 service for qualified customers, and
23

24 WHEREAS the City Council finds that it is in the best interest of the public
25 health, safety and welfare that this ordinance be adopted; Now, Therefore,
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BE IT ORDAINED BY THE CITY OF TACOMA:

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That Chapter 12.09 of the Tacoma Municipal Code is hereby amended as substantially set forth in the attached Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

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Chapter 12.09
SOLID WASTE, RECYCLING, AND HAZARDOUS WASTE

* * *

12.09.030 Definitions.

“Apartment customer.” An individual who physically occupies the subject dwelling unit.

“Asbestos-containing material.” Any material containing at least 1 percent asbestos determined by polarized light microscopy using the Interim Method of the Determination of Asbestos in Bulk Samples contained in Appendix A of Subpart F in 40 CFR Part 763.

“Ash.” The residue, including any flue dusts from combustion or incineration of material, including solid waste.

“Automated collection.” The method of collecting waste through the use of mechanical collection equipment and special containers to accommodate the collection.

“Automated collection container.” A City-owned container designed specifically for Solid Waste Management’s automated collection operation.

“Bulk waste.” Large items of solid waste including, but not limited to, appliances, furniture, trees, stumps, and other oversized waste.

“Carry Service.” The transport of a container by Solid Waste Management personnel from the customer’s premises or other designated location to a location accessible for collection.

* * *

12.09.040 General requirements.

A. It shall be the customer’s responsibility to ensure that, prior to the arrival of the collection vehicle on the scheduled collection day, solid waste containers are placed curbside, or where a curb is not present, at streetside or alley, or such other in the appropriate location as may be designated or approved by Solid Waste Management prior to the arrival of the collection vehicle. ~~Collectors~~ Solid Waste Management personnel shall not be required to negotiate steep ramps, stairs, or hazards, or to remove containers from wells or storage bins in the performance of their duties.

Such location shall be easily accessible for collection. All containers must face in the proper direction with the lids completely closed with unobstructed access for collection. It shall be the responsibility of each customer to remove the container from street-side or alley on the same day as collection.

B. Carry service on the customer’s premises may be approved by Solid Waste Management on a case-by-case basis for customers who establish that it is impractical or infeasible to place containers in a location directly accessible to collection trucks from the street or alley and that access is available on the customer’s premises. The carry service distance shall not exceed 100 feet unless approved by Solid Waste Management. Carry service charges will apply to all carry service regardless of whether such service is approved in advance of service. Carry service

Customers are responsible for maintaining an accessible, unobstructed, paved pathway on ground level of the customer’s premises with acceptable grades and ramps to allow for carry service to be provided.



3. For carry service, the customer must control the customer premises or acquire and maintain right of access for the carry service to be provided by Solid Waste Management personnel.

1 BC. Solid Waste Management shall not be responsible for solid waste collection if there is a
2 violation of any part of this section or circumstances are beyond the control of the Solid Waste
3 Management. Circumstances or violations include, but are not limited to, container overload,
improperly loaded container, blocked access, container inaccessibility, or dangerous situations.

4 C. Automated collection containers shall be placed in a Solid Waste Management designated
5 location on the scheduled collection day. Such location shall be easily accessible to the solid
6 waste collection vehicle. All containers must face in the proper direction with the lids
7 completely closed, and unobstructed to the collection vehicle. In areas where the Solid Waste
8 Management designated location for an automated collection container is at street side or along
9 an alley, it shall be the responsibility of each customer to remove the container from streetside
10 or alley on the same day as collection.

D. Any waste exceeding the rated capacity of the container shall be subject to an extra charge at
11 applicable rates established herein. Overloading containers in a manner which is likely to:
12 (i) cause damage to the collection vehicle or container; (ii) create a litter condition; or
13 (iii) impede collection is prohibited.

14 * * *

15 **12.09.110 Residential automated and semi-automated services.**

16 **A. Minimum Monthly Service.**

	Effective Years	
	2017	2018
Once every other week pick-up 30-gallon (supplied by City)	\$21.14	\$21.93

17 1. Collection personnel shall not be required to negotiate steep ramps or stairs or remove 30-,
18 45-, 60-, and 90-gallon containers from storage bins in the performance of their duties. Where
19 30-, 45-, 60-, and 90-gallon residential containers are accessible on ground level in the location
20 designated by Solid Waste Management on the street or alley, within five feet of the curb,
21 street, or alley where a Solid Waste Management collection vehicle can stop legally for
22 collection and loading, the rate shall be:

23 * * *

24 2. Where residential containers and extra containers are accessible on ground level, but farther
25 than five feet from the curb, street, or alley where a Solid Waste Management collection vehicle
26 can stop legally for collection and loading, the following additional rates-carry service
charges-for-carrying distance, measured along the route taken for collection, shall apply to each
container:

	Garbage	Recycle & Yard Waste
Over 5 feet to 25 feet	\$4.45 per month	\$4.45 per month
Each additional 25 feet or portion thereof	\$5.55 per month	\$5.55 per month

Carry distances shall be measured along the route necessarily taken for collection.

The above rates apply to each and every can or container collected and loaded from a specific premises.

* * *



12.09.120 Commercial services.

* * *

D. Collection personnel shall not be required to negotiate steep ramps or stairs or remove 20-, 30-, 60-, and 90-gallon containers from storage bins in the performance of their duties. Where 20-, 30-, 60-, and 90-gallon containers are accessible on ground level not in the location designated by Solid Waste Management, the following additional rates carry service charge shall apply to each container:

Over 5 feet to 25 feet	\$8.90 per month
Each additional 25 feet or portion thereof	\$11.10 per month

E. The following carry service charge shall apply per pick-up for each 300 gallon container (barrel).

<u>Each 300-gallon container</u>	<u>\$27.00 per pick-up</u>
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F. Commercial Bulk Noncompacted Container Rates.

1. City-owned, drop-off box – minimum charge of \$200.00 per month in addition to rent, if not hauled, provided, this charge will not be assessed to boxes used for the purposes of recycling.
2. City-owned, front-load container used on a temporary basis will be charged \$50.00 per month in addition to rent, if not hauled.
3. City-owned 20-, 30-, 60-, 90-, or 300-gallon container used on a temporary basis will be charged the 20-gallon commercial barrel monthly rate if not hauled.
4. Customer-owned container – minimum charge, if not hauled, will be the 20-gallon commercial barrel monthly rate.
5. An additional \$200.00 charge per haul for drop-off box for same day service.
6. An additional rental charge of \$9.00 per month or \$0.30 per day will be made for any container requiring a cover or extra-strength construction.
7. An additional \$25.00 charge per haul for front-load container for same day service.

8. The following carry service charge shall apply per pick-up for each front-load container (two-to four-cubic yard with casters).

<u>Each front-load container</u>	<u>\$27.00 per pick-up</u>
----------------------------------	----------------------------

98. An additional \$50.00 charge for each container relocation without a haul (dump).

109. An additional \$50.00 return charge will be billed to customers who have a scheduled haul for their compactor or DOB and the container was not made accessible for hauling when Solid Waste staff arrived.

110. An additional \$25.00 return charge will be billed to customers who have a scheduled haul for their front-load container and the container was not made accessible for hauling when Solid Waste staff arrived.

* * *



124. An additional \$10.00 may be charged for containers or compactors that require double-picking.

1413. When the weight of the contents of a noncompacted drop-off box exceeds the applicable maximum weight for a truck to safely handle the load, the customer will be charged the commercial disposal tip fee rate for each ton and/or portion of a ton by which the contents exceed the maximum weight of 10 tons.

1414. Uncontained loads that are determined to be “Dusty Loads” by Solid Waste Management are subject to rejection or assessment of additional processing fees.

1415. Solid Waste Management reserves the right to collect advance payment for container placement and up to four months of charges for rental and service charges associated with the provision of temporary service. The City Treasurer may accept satisfactory securities or surety bond in lieu of cash payment. Such payment or security may be applied toward the payment of service charges whenever the same shall become due. Solid Waste Management reserves the right to require additional advance payment for subsequent service that may be requested by the customer.

F. Commercial Compactor Container Rates. Commercial rates for collection and disposal of solid waste from customer-owned compactor containers shall be as follows:

* * *

5. The following carry service charge shall apply per pick-up for front load compactor (not to exceed two cubic yards).

Each front-load compactor	\$27.00 per pick-up
---------------------------	---------------------

GH. Recyclable Material Collection Fees. If requested, Solid Waste Management may, at its option, agree to collect recyclable materials from commercial customers at the curb or premises. The fees for this service are typically lower than garbage collection service, but are subject to fluctuations in the value or cost of the recyclable material.

The Director is delegated the authority to assign and charge a rate for the collection of recyclable material from commercial customers. The Director shall assign such a rate in accordance with the following criteria and process:

1. The rate shall reflect the cost of service, to the extent reasonably possible, given the constantly fluctuating value and/or costs of recyclable material.
2. The rate shall include cost items related to the service including, but not limited to, labor and benefits, equipment, maintenance and operations of equipment and containers, processing fees, direct and indirect overhead charges, and other related costs. In addition, revenues received from the sales or marketing of the collected recyclable material and the collection service levels shall be included with the assigned rate.
3. The Director may adjust the assigned rate up to four times per year.
4. Solid Waste Management shall notify the affected parties a minimum of 45 days prior to implementing rate changes.

Application of the assigned rate shall be through the normal billing and invoicing process. In the event a customer cancels service covered under this policy and wishes to initiate similar service within one year’s time, a \$50.00 service charge may be applied to the restart of the service.



Due to potential cost savings of collecting all recyclables from an individual customer, the Director is further delegated the authority to negotiate a bundled rate with individual commercial customers for collection of all recyclable materials from that customer for an agreed period of time.

H. Recyclable Materials Bulk Container.

1. Drop-off Box Recycling Service.

Container Placement	\$50.00
Haul Charge	\$50.00 per haul
Mileage Charge	\$2.50 per mile one way
Daily Rental Charge	\$1.50 per day (excluding Washington State sales tax)

Disposal costs shall be the responsibility of the customer. The customer shall arrange for an account at the recycling facility for billing disposal costs directly to the customer. In the event that the customer fails to make proper arrangements for an account at the recycling facility, Solid Waste Management may add the cost of recycling or disposal of the material to the customer's hauling charges.

If the drop-off box is not hauled by the customer within 60 days, Solid Waste Management may remove and haul the drop-off box and charge the customer applicable transportation and disposal costs.

I. Containers shall not be longer than 22 feet, or larger than a 25 yard self-contained compactor, or a 30 cubic yard disconnect-type compactor without the prior written approval of Solid Waste Management.

J. It shall be the responsibility of any customer in possession of any City-owned bulk container to pay the cost of repair to, or replacement of any such container damaged while in his or her possession. The charge shall be the actual cost of repair or replacement as determined by the City and shall be added to the customer's utility bill.

K. The service charge for other container sizes that may become available will be at a rate sufficient to recover the cost of providing the service.

L. In addition to the charges for commercial and residential rates set forth above, when unscheduled services are requested or required, Solid Waste Management shall charge for such services as set forth in this chapter.

M. The siting of a compactor's location shall be coordinated with and specifically approved by Solid Waste Management before installation. If a compactor is placed prior to Solid Waste Management's specific approval and Solid Waste Management deems the placement unacceptable, Solid Waste Management may elect to refuse service. The customer shall relocate and bear all costs incurred for the relocation of the compactor. Such customers shall, among other things, be required to hold the City harmless from any and all liability resulting from the improper placement and/or relocation of the compactor. Siting of the compactor and construction of any compactor enclosure shall be in conformance with all applicable City and state regulations.



1 NO. It is the responsibility of the owner of a customer-owned container to keep the container
2 maintained and serviceable, including all doors, lids, fork pockets, wheels, bail hooks, bottom
3 rails, or any part of the container needed for dumping or hauling of the container. Solid Waste
4 Management shall not be held liable for damage to privately owned containers. Solid Waste
5 Management is not obligated to service improperly maintained containers. Customer-owned
6 containers must also be kept graffiti free.

7 OP. An enclosure provided for a solid waste container shall be used only for the solid waste
8 container. If items other than a solid waste container are placed in an enclosure, Solid Waste
9 Management shall be held harmless for any and all loss or damage to such items, whether
10 occasioned by Solid Waste Management's negligence or otherwise. It shall be the responsibility
11 of the customer to keep the enclosure in an acceptable sanitary condition including the area in
12 the vicinity of the enclosure.

13 PQ. If an enclosure is gated, the gates shall have the ability to be pinned in the open position. If
14 gated, the gates shall have at least a 180-degree swing. When gates are in the open position,
15 they shall not block or infringe on any traffic aisles.

16 1. Drop-off box enclosures shall have a minimum opening width of 12'0" and the depth must
17 extend a minimum of 3'0" beyond the end of the container.

18 2. Front load box enclosures shall have a minimum opening width of 12'0" and a minimum
19 depth of 10'0". If two front load box containers are placed, the enclosure shall allow for a
20 minimum of a three-foot clearance between enclosure and front load box, as well as a two-foot
21 clearance between each front load box.

22 3. Automated 300-gallon container enclosures shall have a minimum opening width of 10'0"
23 and a minimum depth of 7'0". In addition, for two or more containers, a three-foot clearance
24 between enclosure and barrels is required, as well as a two-foot clearance between each barrel.

25 4. All enclosures shall be designed so the solid waste collection vehicle that services the
26 enclosed container can maneuver and safely service the container. A service charge of \$10.00
for 300-gallon containers and \$25.00 for front-load containers and drop-off box containers may
be charged when Solid Waste Management is unable to service a commercial customer's
container on the scheduled pickup and Solid Waste Management has to make a return trip to
service the container. This charge may be applied if the container access is blocked, the gates to
the enclosure are not in the open position, or Solid Waste Management is, for any reason,
unable to service the container.

QR. Construction of an enclosure for disposal containers shall not commence prior to plan
approval by Solid Waste Management. Failure to obtain plan approval prior to construction may
require alterations, relocation, or complete reconstruction of the enclosure at the owner's
expense. Solid Waste Management may refuse to provide service to a customer who has
enclosed a disposal container improperly.

RS. City-owned recycling containers that are repeatedly contaminated with garbage may be
removed at the discretion of Solid Waste Management. A \$30.00 service charge will be
assessed for redelivery of each container.

ST. All compactors which may contain liquids are to be equipped with a drain and a connection
to the sanitary sewer. The connection to the sanitary sewer must meet the requirements of both
Solid Waste Management and the City's Wastewater Management Division.



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¶U. The Director is delegated the authority to assign a rate for the disposal of a particular opportunity fuel as long as the rate does not exceed \$90.00 per ton for disposal of “opportunity fuels,” as that term is defined in TMC 12.09.030. If Solid Waste Management requires a purchase of a particular opportunity fuel, Solid Waste Management shall purchase said fuel pursuant to those procedures set forth in the Administrative Policies and Procedures Manual.

¶V. City of Tacoma Solid Waste Commercial customers may request “Call-2-Haul” service appointments. No more than three large items, consisting of appliances, furniture, or items of a similar size and weight, and 15 bags or boxes of unusable household items will be picked up by Solid Waste Management at each Call-2-Haul service appointment. A charge of \$75.00 will be charged for each commercial Call-2-Haul. A charge of \$10.00 will be assessed for late cancellations or if items are not set out by 7:00 a.m. on the scheduled date.

* * *



ORDINANCE NO. 28500

1 BY REQUEST OF COUNCIL MEMBER McCARTHY

2 AN ORDINANCE related to rights-of-way; amending Section 10.22.070 of the
3 Tacoma Municipal Code to update the policy and procedures for
4 performance bond requirements.

5 WHEREAS performance bonds secure the construction and completion
6 of required work in the City rights-of-way under site development work orders,
7 and

8 WHEREAS current protocol for performance bonding requirements fails to
9 reward good development work within the City, and does not discourage work that
10 is substandard, incomplete, or performed without a permit, and

11 WHEREAS the City's Public Works and Planning and Development
12 Services Departments have developed proposed amendments to Chapter 10.22 of
13 the Tacoma Municipal Code, "Provisions for Permit," to (1) allow performance bond
14 obligations to be reduced to 30 percent of the value of work; (2) specify what
15 circumstances should lead to default for failure to perform work, and (3) specify the
16 consequences of commencing work prior to issuance of a required permit, and
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18 WHEREAS staff is recommending that the proposed amendments be
19 enacted to update the policy and procedures for performance bond requirements
20 related to rights-of-way; Now, Therefore,
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BE IT ORDAINED BY THE CITY OF TACOMA:

That Section 10.22.070 of the Tacoma Municipal Code, entitled "Rights-of-Way" is hereby amended as set forth in the attached Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

**Chapter 10.22
Rights-of-Way**

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10.22.070 Provisions for Permit.

Every Permit shall require that the Person performing the work shall:

- A. Unless a City entity, be a state of Washington licensed and bonded contractor. Contractors working on behalf of the City shall also be a state of Washington licensed and bonded contractor;
- B. Give the Director 24 hours' notice prior to and upon completion of such Work. Should the schedule of Work to be performed under an Annual Permit be revised, the Permittee shall notify the Director as soon as practicable;
- C. Carry on such Work in conformance with the City's general Specifications in effect at the time of issuance of said Permit;
- D. Diligently prosecute the same to completion;
- E. Comply with such additional conditions and provisions as may be prescribed by the Director;
- F. Except for City departments or Contractors working for City departments, deliver to the City, prior to the issuance of a Billable Work Order permit, a bond in the sum equal to the value of the Work to be performed, but, in any event, not less than \$15,000, in a form to be approved by the City Attorney and with surety approved by the Director of Finance. Such bond shall be conditioned on the faithful conformance with the provisions of this chapter, and shall be further conditioned that the Permit applicant shall carry out and complete such Work within the specified time and according to the terms of such Permit furnished by the Director and according to the City's general Specifications. Such bond shall be continuously in effect from the date of issue and may be further conditioned to cover all Permits issued to the applicant; provided, that such bond by its terms provides that the same shall not be canceled unless and until the Director is given a written notice of such intention to cancel a minimum of ten days before the effective date of said cancellation. Such bond shall further provide that it shall remain in full force and effect until the completion of any and all Work which has been commenced, or is to be commenced, pursuant to any Permits issued prior to the effective date of cancellation. The bond shall remain in force and effect ~~for a minimum of one year after completion and until~~ acceptance ~~of any street cut or Excavation of all work by the City.~~

Except for Billable Work Order permits, deliver to the City prior to issuance of a Permit, a bond in the sum amount of \$15,000, in a form to be approved by the City Attorney and with surety approved by the Director of Finance. Such bond shall be conditioned on the faithful conformance with the provisions of this chapter and shall be further conditioned that the Permit applicant shall carry out and complete such Work within the specified time and according to the terms of such Permit furnished by the Director, and according to the City's general Specifications. Such bond shall be continuously in effect from the date of issue and may be further conditioned to cover all Permits issued to the applicant; provided, that such bond by its terms provides that the same shall not be canceled unless and until the Director is given a written notice of such intention to cancel a minimum of ten days before the effective date of said cancellation. Such bond shall further provide that it shall remain in full force and effect until the completion of any and all Work which has been commenced, or is to be commenced, pursuant to any Permits issued prior to the effective date of cancellation. The bond shall remain in force and effect for a minimum of one year after completion and acceptance of any street cut or Excavation.

Exceptions: (1) Persons or corporations with a valid City sign erector's license shall not be required to post a bond or other surety to be issued Permits to work in public Rights-of-Way; (2) the Director may waive or reduce the bond obligation for an applicant who requests a Permit to replace a sidewalk or other



1 project located in City Rights-of-Way and is immediately abutting the applicant's property and where the
2 value of the Work to be performed is less than \$15,000; (3) for entities that undertake regular, periodic
3 Work in the Rights-of-Way and receiving an Annual Permit, as described in subsection 10.22.050.I TMC,
4 the Director may accept a single bond in an amount to be determined in the Director's reasonable
5 discretion, in lieu of the requirement to obtain individual bonds on each occasion; and (4) the Director
6 shall have the discretion to reduce the bond obligation down to 30% of the value of work proposed as
7 determined by the City, for building developers where the amount of the reduced bond is deemed
8 sufficient to protect the City, but in no event to an amount less than \$15,000. To qualify for this reduced
9 obligation, the Principal must have a favorable previous construction history in the City of Tacoma. This
10 reduced obligation does not apply to Assignments of Funds. When an Assignment of Funds account (cash
11 deposit) is used, it must secure the full value of work proposed as determined by the City, the Director
12 shall have the discretion to reduce the bond obligation down to 30 percent of the original bond amount for
13 building developers undertaking substantial road construction where the amount of the reduced bond is
14 deemed sufficient to protect the City; and

15 1. Upon the City's determination of failure to perform as required by the bond and according to the terms
16 of the Permit, the Principal shall be considered to be in default. A Principal in default shall be subject to a
17 5 year period of an increased bond obligation. This period shall state that the individual and entity
18 obligated under the bond shall be subject to an increased (150% of the amount of the work being
19 guaranteed) minimum bond requirement for all projects going forward.

20 2. Where work for which a permit is required by City Code is commenced prior to obtaining required
21 permits, the fees specified in this Code, including plan review fees, shall be doubled, but the payment of
22 such double fee shall not relieve any persons from fully complying with applicable Codes in the
23 execution of the work, nor from any other penalties prescribed. In no case shall such double fee be less
24 than \$200.

25 In addition to the above, after the five-year period the Principal individual and entity performing the
26 unpermitted work shall not qualify for a reduced bond obligation but instead shall be imposed with an
increased minimum bond for all projects from that day forward. The increased minimum bond shall be an
amount equal to 100% of the value of work proposed as determined by the City.

G. Except in the case of a City department, or a Contractor working for a City department, deposit with the Director a sum, to be computed based upon the itemized estimated cost of the Work as determined by the Director, for repair of cuts and reconditioning by reason of sewer, water pipe, conduit, gas pipe, cable, or other Excavation to be done by the City at the expense of the Permittee. If the said Work by the City exceeds the initial deposit, the Director will, upon determining the actual size of the repair or cut, bill the Permittee the balance of the charge.



ORDINANCE NO. 28501

1 BY REQUEST OF COUNCIL MEMBER McCARTHY

2 AN ORDINANCE relating to street occupancies; amending Chapter 9.08 of the
3 Tacoma Municipal Code, relating to street occupancies, by renaming the
4 Chapter to read “Right-of-Way Occupancies,” and to modify outdated
5 permitting, insurance, and fee requirements for occupancy permits.

6 WHEREAS Chapter 9.08 of the Tacoma Municipal Code (“TMC”) has not
7 had a comprehensive update since 1977, and contains outdated information, and

8 WHEREAS, approximately three years ago, the responsibility for processing
9 Right-of-Way Occupancy Permits was transferred from the Planning and
10 Development Services Department (“PDS”) to the Public Works Department
11 (“PW”), and, at the same time, PW and PDS began exploring options to reduce
12 barriers to development in the right-of-way while still protecting the City’s interest in
13 the right-of-way, and

14 WHEREAS, in summer 2017, the Master Builders of Pierce County
15 submitted a list of requested improvements that included changes to the way
16 Right-of-Way Occupancy Permits are processed; over the years, other applicants
17 have suggested ways to streamline this process, and

18 WHEREAS the Right-of-Way Occupancy process is labor intensive and
19 expensive to administer, and, particularly with applications for residential
20 occupancies, current insurance requirements result in staff spending additional
21 time guiding the permit through the process, and

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1 WHEREAS, in the case of both residential and commercial occupancies,
2 staff often begin to review development for compliance with associated building
3 permit while still processing the right-of-way occupancy permit, and

4 WHEREAS, the City charges a substantial annual commercial use fee for
5 occupancy permits that are required by City code, such as bike racks and
6 benches, and

7 WHEREAS PDS has presented options and recommendations to the
8 Master Builders of Pierce County Legislative Committee multiple times; to the
9 Infrastructure, Planning and Sustainability (“IPS”) Committee on February 22,
10 2017; to the City Council Study Session on March 28, 2017, and again the IPS
11 Committee on February 14, 2018, and

12 WHEREAS there is general support for relaxing the requirements adjacent
13 to residential development when it can be demonstrated the development is
14 consistent with the Public Works Design Manual, and adjacent to commercial uses
15 when the development is required by City code, and

16 WHEREAS, for commercial-related right-of-way occupancies, this includes
17 removal of the Commercial Annual Use Fee, provided the City can manage the
18 budget implications; accordingly, the budget was amended during the mid-
19 biennium process to address this impact, and

20 WHEREAS, for development adjacent to single-family or duplex properties
21 that does not meet the Public Works Design Manual, compliance with TMC 9.08
22 will be evaluated through the associated development permit or, when no permit is
23 required, through a Right-of-Way Occupancy Permit, and



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WHEREAS, for development adjacent to commercial properties that is required by City code, such as irrigation, bicycle racks, and benches, no Right-of-Way Occupancy Permit will be required and no Commercial Annual Use Fee will be charged, and

WHEREAS other proposed changes include the following: (1) Right-of-way occupancies shall acknowledge that if the City needs to access the right-of-way, improvements will be removed at the permittee's expense; (2) Permit fees will be updated in a move towards full cost recovery, from \$320 per permit to \$640 per permit in 2018, as full-cost recovery with current inefficiencies would be approximately \$950.00 per permit; however, once efficiencies are realized, a full analysis of cost recovery can be evaluated during formulation of the 2019-2020 Biennial Budget, and

WHEREAS the proposed code changes would be effectively made in phases, and

WHEREAS staff is recommending that the proposed TMC amendments be approved; Now, Therefore,



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BE IT ORDAINED BY THE CITY OF TACOMA:

That Chapter 9.08 of the Tacoma Municipal Code is hereby amended substantially as set forth in the attached Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

Chapter 9.08

STREET-RIGHT-OF-WAY OCCUPANCIES

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Sections:

- 9.08.010 Definitions.
- 9.08.020 Occupancy permit required.
- 9.08.022 Exemptions.
- 9.08.024 Nonconforming Development.
- 9.08.026 Blanket permits for Neighborhood Districts.
- 9.08.030 Application – Information required.
- 9.08.040 Processing of application.
- 9.08.050 Indemnity deposit on approved applications for permit.
- 9.08.060 Indemnity to save the City harmless from claims.
- 9.08.070 Revocation of permits and removal of development.
- 9.08.075 Fees.
- 9.08.080 Issuance of permits.
- 9.08.090 Validation of prior permit.

9.08.010 Definitions.

The term "street-right-of-way occupancy" whenever used in this chapter shall be held and construed to mean and include any surface, above surface and subsurface occupancy or use of any public right-of-way wherever located in the City of Tacoma, and such subsurface use shall include any vault, bin, cellar, passageway, pipeline, tank, elevator, chute, or any other structure or improvement.

The term "commercial," whenever used in this chapter, shall mean development associated with uses other than single family and duplex.

The term "residential," whenever used in this chapter, shall mean development associated with single family and duplexes.

The term "garden activities," whenever used in this chapter, shall be held and construed to mean planting vegetation and installation of hardscape elements associated with landscaping, such as pavers or raised beds that conform to the Public Works Design Manual in the right-of-way.

9.08.020 Occupancy permit required.

Except as exempted below, it is unlawful for anyone to use any public right-of-way for private purposes without a written permit from the City of Tacoma and without complying with all of the provisions of this chapter in relation thereto; provided that nothing herein contained shall apply to street maintenance work performed by the City of Tacoma, utility installations covered by franchise, street or sewer installation and improvement work authorized by ordinance, or street improvement projects under contract with the City of Tacoma.

9.08.022 Exemptions.

A. Right-of-Way Occupancies adjacent to residential uses, that do not otherwise require a permit, shall not require a Right-of-Way Occupancy Permit, provided they meet standards such as, but not limited to:



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1. Fences must be no taller than seven feet; must comply with the Public Works Design Manual related to setback from sidewalk and site distance at intersections and driveways. This does not include fences crossing/blocking unimproved rights-of-way.

2. Retaining walls no taller than four feet in height must comply with the Public Works Design Manual related to setback from sidewalk and site distance at intersections and driveways.

3. At-grade stairs.

4. Above-grade stairs, provided they meet the Public Works Design Manual.

5. Garden activities, provided the activity meets the Public Works Design Manual. Garden activities in the planting strip shall not include any structure, such as a fence and/or raised bed.

6. Required Utility installations.

B. Right-of-Way Occupancies adjacent to residential uses, that do not meet the above standards, will be reviewed under the associated building permit and will not require a separate Right-of-Way Occupancy Permit. They will require proof of insurance as set forth in Section 9.08.080.

C. Right-of-Way Occupancies adjacent to commercial uses, when such use and/or development is a requirement of the Tacoma Municipal Code, such as, but not limited to, alternative materials for sidewalks, street trees, benches, and bike racks.

9.08.024 Nonconforming Development.

Except for provisions set forth in Section 9.08.070, Right-of-Way Occupancies adjacent to residential uses are nonconforming and not subject the standards set forth in this chapter. The adjacent property owner continues to be responsible for maintaining the development in a safe manner. If the Director of Planning and Development Services determines the development poses a danger to the general public, such occupancy must be removed. If the occupancy has become a nuisance, it will be subject to enforcement.

9.08.026 Blanket permits for Neighborhood Districts.

An authorized neighborhood and/or business district may apply for a blanket Right-of-Way Occupancy Permit. Such permit would provide an unlimited number of private occupancies (non-commercial in nature) in the right-of-way, if approved. The location and configuration of each right-of-way occupancy must be clearly identified with maps and drawings. Other permits may apply depending on the nature of the street occupancy. Additional street occupancies may be incorporated into the blanket permit at a later date with a new application requesting amendment of the existing permit, together with an updated insurance certificate incorporating the additional use.

9.08.030 Application – Information required.

When required, Application for permits herein provided for shall be filed with the ~~Director of Public Works~~City of Tacoma Planning and Development Services Department, of the City of Tacoma upon a form provided by him, which application shall contain Information required in the application includes:

- A. An accurate description of the public place or portion thereof desired to be used as herein specified;
- B. The use desired to be made of such public place by the applicant;
- C. The plans and specifications for any utility or structure desired to be constructed, erected, or maintained by the applicant in or on a public place; and
- D. If the request is to construct an areaway, fuel opening, sidewalk elevator or door or other subsurface use of said right-of-way, a certificate of title or other document or indicia of title



showing the applicant to be the owner of the premises abutting ~~said~~the public right-of-way where the ~~said~~ subsurface use or improvement is to be conducted or constructed.

1 E. If the request is for a surface occupancy of right-of-way located within shoreline segments
 2 S-1 through S-12, all further construction and development on such right-of-way shall be
 3 subject to Chapter 13.10 ~~TMC of the Official Code of the City of Tacoma~~ and Chapter 90.58
 4 RCW. The ~~Director of Public Works may require that the applicant comply~~compliance with the
 5 provisions of ~~said~~ Chapter 13.10 may be required prior to the issuance of a permit pursuant to
 6 this chapter.

9.08.040 Processing of application.

7 The Director of ~~Public Works~~Planning and Development Services, or designee, shall cause each
 8 application to be examined to determine if it complies with the provisions of this chapter.
 9 Representatives of the City of Tacoma ~~shall~~may inspect the premises which are desired to be
 10 used to determine whether or not the proposed use conforms with the provisions of this chapter
 11 ~~and~~ - Any application for a permit to construct, erect, or maintain any building, structure, or use
 12 ~~on or under the surface of the property shall ascertain if the plans and specifications conform to~~
 13 the regulations pertaining to safety, material, and design of the Tacoma Building Code, ~~and~~
 14 Zoning Code, ~~and/or Public Works Design Manual. The Chief Building Official shall then~~
 15 ~~endorse his findings upon the application and transmit the same to the Director of Public Works.~~
 16 If the Director of ~~Public Works~~Planning and Development Services, or designee, determines
 17 that the application conforms to the requirements of this chapter, and ~~also reviewing City~~
 18 ~~Departments determine~~ that the proposed use of such public place will not unreasonably limit or
 19 encroach upon the public's right to travel upon ~~said~~the right-of way, or the ancillary right to
 20 occupy ~~said~~the right-of-way for utility purposes, the Director of ~~Public Works~~Planning and
 21 ~~Development Services, or designee~~, may approve the application. ~~If approved, the Director of~~
 22 ~~Public Works shall fix the time for which the permit may be granted, and shall direct the~~
 23 ~~Department of Tax and License to issue a permit upon the applicant's compliance as herein~~
 24 ~~specified with the provisions of this chapter relating to indemnity of the City of Tacoma. In~~
 25 approving ~~said~~the permit, the ~~City Engineer and/or~~ Director of ~~Public Works~~Planning and
 26 ~~Development Services, or their designee~~, may impose such reasonable conditions as are
 required to meet the standards set forth in this chapter and to protect the paramount rights-of-
 way for travel and to protect the safety of the traveling public, and other public purposes.

9.08.050 Indemnity deposit on approved applications for permit.

18 If the Director of ~~Public Works~~Planning and Development Services, or designee, determines
 19 that there is a probability of expense to the City arising from the applicant's proposed use of
 20 public right-of-way, the applicant shall deposit with the ~~Director of Public Works~~Planning and
 21 ~~Development Services~~ a cash deposit. The amount of the cash indemnity deposit shall be
 22 determined by the Director of ~~Public Works~~Planning and Development Services, or designee, at
 23 the time of approving the application, and shall be governed by the anticipated amount and
 24 extent of expense to the City as determined by the Director of ~~Public Works~~Planning and
 25 ~~Development Services, or designee~~. Such indemnity deposit shall be used to pay the cost, plus
 26 15 percent thereof, of inspections, surveys, plans, and other services performed by the City, of:

- A. ~~#~~Restoring the street;
- B. ~~#~~Removing any earth or other debris from the street;
- C. ~~#~~Replacing any utility interrupted or damaged; or completing any work left unfinished;
- D. ~~#~~Filing an indemnity agreement with the City, if such an agreement is required within the permit; and



1 E. Any other expenses the City may sustain in conjunction with the permitted work. The
 2 balance of the cash indemnity deposit, if any, after the foregoing deductions, shall be returned to
 3 the applicant. If the indemnity deposit be insufficient, the applicant will be liable for the
 4 deficiency. If the Director of ~~Public Works~~ Planning and Development Services, or designee,
 5 determines that engineering studies must be made prior to the approval of any application for
 6 permit, the cost of such study shall be paid for by the applicant, or deducted from his indemnity
 7 deposit.

8 The Director of ~~Public Works~~ Planning and Development Services, or designee, may require the
 9 applicant to file with the City a surety bond approved as to ~~surety substance~~ and ~~as to~~ form by
 10 the City Attorney, which bond shall run for the full period of ~~said the~~ permit, in a sum to be
 11 determined by the Director of ~~Public Works~~ Planning and Development Services, or designee, to
 12 be an amount commensurate with the subject matter of the permit, but not less than \$2,000.00,
 13 and conditioned that ~~the such~~ applicant shall faithfully maintain such installation in a safe and
 14 secure condition and shall faithfully comply with all the terms of the permit and all the
 15 provisions of this and all other ordinances of the City of Tacoma, and shall faithfully perform
 16 the removal of, or reimburse the City for, the cost of removing such installation and restoring
 17 the right-of-way to the same or better condition as though such installation had not existed,
 18 upon the revocation or voluntary termination of ~~said the~~ permit.

19 **9.08.060 Indemnity to save the City harmless from claims.**

20 The ~~Director of Public Works~~ City of Tacoma may require the applicant to file with the
 21 Department of ~~Public Works~~ Planning and Development Services, prior to the effective date of
 22 ~~such any~~ permit, a ~~certified copy, together with evidence of premium payment, of a~~
 23 ~~comprehensive general insurance~~ Commercial and/or Residential General Liability policy using
 24 the most current version of the Insurance Services Office form CG001 or the equivalent ~~in a~~
 25 form approved by the City of Tacoma, issued by a company duly ~~authorized licensed~~ to do
 26 business in the ~~S~~ State of Washington. ~~Said The required~~ policy ~~shall run~~ must be in effect for the
 duration of the permit. Coverages provided by the insurance policy shall include, but shall not
 be limited to, all of the usual coverages commonly referred to by the insurance industry as:

- 27 Operations Liability
- 28 ~~Products~~ Premises/Completed Operations Liability
- 29 Owner's and Contractor's Protective Liability
- 30 Blanket Contractual Liability

31 In the case of Commercial Insurance, ~~T~~the insurance policy shall: (1) name the City of Tacoma
 32 as an additional insured using the most current version of the Insurance Services Office form
 33 CG2012; (2) apply as primary insurance and be non-contributory, regardless of any insurance or
 34 ~~self-insurance which~~ the City may carry; (3) include a "cross-liability" (~~severability of~~
 35 ~~interest~~ Separation of Insured) clause; and (4) include limits of protection set by City of Tacoma
 36 Risk Management for ~~of not less than \$500,000.00~~ combined single limit, bodily injury and
 37 property damage. It is to be understood and agreed that the permittee's obligation ~~to permittee~~
 38 to hold harmless the City from claims for damages arising out of the operations related to the
 39 permit shall not be limited to the amount of insurance provided by the permittee. ~~The insurance~~
 40 ~~policy shall further contain a clause obligating the company issuing the same to The Permittee~~
 41 ~~shall~~ give notice to the Risk Manager of the City of Tacoma 30 days before the cancellation of
 42 said policy. In the case of Commercial Insurance, the applicant must provide a certificate of
 43 insurance as evidence of the Commercial General Liability insurance and a copy of the
 44 endorsement showing the City of Tacoma as additional insured prior to the effective date of the



permit. In the case of Residential Insurance, when required, the homeowner must provide proof of homeowner insurance in the amount of not less than \$500,000.00.

1 ~~If the application is for a permit to construct or maintain an areaway, fuel opening, sidewalk~~
2 ~~elevator or door, or to use or occupy the planting strip by erecting a bulkhead, steps, retaining~~
3 ~~wall, rockery, structure, or any facility therein, in addition to the foregoing comprehensive~~
4 ~~general insurance policy, the owner of the premises in front of which, and in connection with~~
5 ~~which, the same is to be constructed, erected, maintained, used, or occupied, and any existing~~
6 ~~lessee, sublessee, tenant, and/or subtenant using or occupying the basement of the premises in~~
7 ~~connection with which such structure is to be used, before the permit is issued, shall, in the~~
8 ~~manner provided by law for the execution of deeds, execute and deliver to the City of Tacoma~~
9 ~~upon a form to be supplied by the Director of Public Works, an agreement in writing, signed~~
10 ~~and acknowledged by such owners and by such existing lessee, sublessee, tenant, and/or~~
11 ~~subtenant, and containing an accurate legal description of said premises and a covenant on the~~
12 ~~part of such owner, lessee, sublessee, tenant, and/or subtenant, for themselves and their heirs,~~
13 ~~executors, administrators, successors, assigns, lessees, sublessees, tenants, and subtenants,~~
14 ~~forever to hold and save the City of Tacoma free and harmless from any and all claims, actions,~~
15 ~~or damages of every kind and description which may accrue to, or be suffered by, any persons~~
16 ~~by reason of the use of such public place, or of the construction, existence, maintenance, or use~~
17 ~~of such structure.~~

11 ~~If the application is for a permit to construct and maintain an areaway, such agreement shall~~
12 ~~also contain a covenant on the part of the persons or corporations executing the same, for~~
13 ~~themselves and their heirs, executors, administrators, successors, assigns, lessees, sublessees,~~
14 ~~tenants, and subtenants, assuming the duty of inspecting and maintaining all services,~~
15 ~~instrumentalities, and facilities installed in the areaway to be constructed or occupied under~~
16 ~~authority of such permit, and assuming all liability for, and saving and holding the City of~~
17 ~~Tacoma harmless from any and all loss, damage, or injury that may result to his or their own~~
18 ~~person or property, or the person or property of another, by reason of such services,~~
19 ~~instrumentalities, or facilities.~~

16 ~~In addition, such agreement shall contain a provision that the permit is wholly of a temporary~~
17 ~~nature, that it vests no permanent right whatsoever, that upon 30 notice, posted on the premises,~~
18 ~~or by publication in the official newspaper of the City of Tacoma, or without such notice, in~~
19 ~~case the permitted use shall become dangerous, or such structures shall become insecure or~~
20 ~~unsafe, or shall not be constructed, maintained, or used in accordance with the provisions of this~~
21 ~~title, the same may be revoked and the structure and obstructions ordered removed at the~~
22 ~~expense of the grantee of the permit. Every such agreement shall be retained by the Department~~
23 ~~of Public Works in the files and records of that Department.~~

9.08.070 Revocation of permits and removal of development.

21 All permits and/or development granted under the provisions of this chapter may, in any case,
22 be revoked by the Director of Public Works Planning and Development Services, or designee,
23 upon 30 days' notice, or without notice in case any such use or occupation shall become
24 dangerous or any structure or obstruction permitted shall become insecure or unsafe, or shall not
25 be constructed, maintained, or used in accordance with the provisions of this chapter. The
26 development shall be removed at the expense of the permittee and/or adjacent property owner.

If any such structure, obstruction, use, or occupancy is not discontinued on notice to do so by
the Director of Public Works Planning and Development Services, the Director of Public
Works City may forthwith remove such structure or obstruction from such place, or make such
repairs upon such structure or obstruction as may be necessary to render the same secure and
safe, at the expense of the grantee of permittee the permit or his successor, and such expense,



together with the cost of its collection, may be collected in the manner provided by law. As an alternative, the City may enforce under Title 8.

9.08.075 Fees.

The City Council hereby authorizes the fees for street occupancy permits set forth in the schedule below, ~~and all previously adopted fee schedules are hereby rescinded, except that the existing fee schedule for Shoreline Districts shall remain in effect until superseded by an alternative use fee as referenced in Section 2 below.~~ Application and renewal fees are established commensurate with the costs of administration involved in the issuance and continuance of the permits. ~~Application and renewal fees do not apply for garden activities.~~ Application and renewal fees do not apply to exempt activities. Use fees are established for certain commercial uses-occupancies of the street rights-of-way, and are payable in addition to the application ~~and renewal fees~~. Sidewalk cafes are recognized as a special street occupancy that promotes desirable street life that can have favorable economic impact by encouraging visitation to City business districts and result in patronage of its businesses. Because sidewalk cafes are an encouraged use and promote various public benefits, no fee shall be charged for the street occupancy permit fees for sidewalk cafes. In addition:

A. Commercial Use Fees will be charged for:

- 1. Above-ground development located in the right-of-way adjacent to commercial uses, including private parking areas, signs, and construction fencing.
- 2. Habitable space located under vaulted sidewalks.
- 3. Underground development located in the right-of-way adjacent to commercial uses, including private utilities (regardless if it is located under a vaulted sidewalk), monitoring wells, soldier beams, tie backs, and soil nails.

B. Commercial Use Fees will not be charged for:

- 1. Alternative walkway materials and amenities required by code, such as benches, bike racks and irrigation for vegetation in the right-of-way.
- 2. Development adjacent to single-family and duplex properties.
- 3. Sidewalk Cafes.

~~Street Right-of-Way~~ occupancy permit fees shall be collected by the ~~Director of Finance~~ Planning and Development Services Department, and payment of ~~said required~~ fees is a condition of the issuance and continuance of any such permit. ~~In order to effectuate the ongoing collection of said fees, holders of permits shall be notified by the City a minimum of one month in advance, to pay applicable fees or the permit will be revoked. All fees collected pursuant to this chapter shall be deposited in the General Fund.~~ Commercial Annual Use Fees shall be deposited in the General Fund.

STREET RIGHT-OF-WAY OCCUPANCY PERMIT FEES

ADMINISTRATIVE FEES

General Application Fee (includes processing, initial inspection, review, document preparation)	<u>\$320640</u>
Sidewalk Café – Application Fee* (includes processing, initial inspection, review, document preparation)	No Fee
Annual Renewal Fee (includes site inspection for compliance, file review, insurance review and application of fee escalators/adjustments as required)	\$ 90



*The elimination of fees is designed to encourage this use, which the City finds promotes economic development and revitalization of its business districts.

GENERAL ANNUAL USE FEES

Commercial Occupancy - Exclusive Use (based on square footage occupied)	10% of Assessed Land Value**
Commercial Occupancy - Non-exclusive Use (based on square footage occupied)	5% of Assessed Land Value**
Subsurface Use (based on square footage occupied)	2.5% of Assessed Land Value**
Subsurface Use (based on square footage occupied)	2.5% of Assessed Land Value**
Minimum Annual Commercial Occupancy Fee (for commercial occupancies, <u>unless exempted herein</u>)	\$120
Sidewalk Cafés (subject to annual renewal fee only – annual permit to be posted onsite) None	None
Non-Commercial Occupancy (subject to annual renewal fee only)	None

** Assessed Land Value is abstracted from the Pierce County Assessor’s property tax assessment for the entire property excluding improvement (building) value. The land value used is that of the property abutting the street occupancy area except in any case where the assessment of the abutting property is inconsistent with other, comparable properties in the vicinity. In such a case, the City may adjust the assessed value for the purpose of setting fees for street occupancies.

SPECIFIC USE FEES

Signs – Annual Fee

Commercial	\$600
Non-Commercial (directional signs or similar)	\$ 75

Monitoring Wells – Annual Fee

One well	\$175
Each additional well	\$150

Subsurface Structural Supports – One-Time Fee (per location)

Soldier Beams	\$700
Soil Nails	\$700
Tie-Backs	\$700

Section 1. Except as provided for in Section 2 below, this ordinance shall have an effective date of April 1, 2006, provided however, that General Use Fees calculated as a percentage of assessed value shall take effect in three phases. During the first year, beginning April 1, 2006, General Annual Use Fees shall be applied at a rate of 33 percent of the calculated use fee; in the second year, beginning January 1, 2007, General Annual Use Fees shall be applied at a rate of 67 percent of the calculated use fee; and in the third year, beginning January 1, 2008, all



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~~General Annual Use Fees shall be applied at 100 percent; however, in no event shall any General Use Fee be less than the set minimum of \$120. General Annual Use Fees for new Street Occupancy Permits that are in excess of \$120 shall be prorated in the first year to a renewal date of January 1st; however, in no event shall any General Use Fee be less than the set minimum of \$120.~~

Section ~~21~~. The ~~new~~ use fees ~~provided for in Section 1 above~~ shall not apply to street occupancies in the Shoreline Districts until an alternative use fee formula is developed that recognizes the unique characteristics of the non-exclusive parking uses within the rights-of-way of the Shoreline Districts. ~~Said additional use fee formula shall be developed no later than June 30, 2006.~~

9.08.080 Issuance of permits.

Upon approval by the Director of ~~Public Works~~Planning and Development Services, or designee, of an application for the use or occupation of a public right-of-way, the ~~Department of Tax and License~~Planning and Development Services Department shall issue a permit therefor. The original permit shall remain in the custody of the ~~Director of Tax and License~~Planning and Development Services Department and a copy shall be given to the ~~grantee~~permittee.

9.08.090 Validation of prior permit.

~~Prior p~~Permits issued ~~prior to the adoption of this Ordinance pursuant to Ordinance No. 15068 of the City of Tacoma (previously codified as Chapter 9.08)~~ shall remain in force and effect for the term of said permit; provided that, upon the renewal, extension, or reissuance of such permits, they shall conform to the provisions of this chapter.



ORDINANCE NO. 28502

1 AN ORDINANCE relating to permit fees; amending Chapters 2.09, 2.19, and 3.09
2 of the Tacoma Municipal Code to create new dedicated funds collected from
3 permit fees to replace existing dedicated funds, create a reserve fund,
4 adjust fees for single-family and duplex permits, and restructure and create
5 a new fee schedule for permitting fees.

6 WHEREAS, in 2010, the Department of Planning and Development
7 Services (“PDS”) transitioned from a General Fund Department to an Enterprise
8 Fund, and with that transition, PDS has focused on establishing fiscally sustainable
9 permit services, and

10 WHEREAS, in 2015, PDS conducted an analysis of permitting fees to better
11 understand the relationship between fees for service and cost recovery associated
12 with permitting services; the primary goal of this effort was to explore the
13 development of a new fee schedule that would transition PDS to a full-cost
14 recovery model for permitting services, and

15 WHEREAS this effort was facilitated by the implementation of a new
16 permitting software system that enabled staff to capture various data sets
17 associated with permit reviews, including specific review times, work flow, and
18 costs associated with the review of individual permits, and

19 WHEREAS, in 2016, a parallel effort began with the Master Builders
20 Association of Pierce County (“MBA”), to improve permit services related to single-
21 family and duplex construction, and

22 WHEREAS PDS staff worked with the MBA throughout 2015 to 2017 to
23 work on efficiencies to improve services and develop sustainable fees to support
24
25
26



1 these services, and, on February 13, 2018, the MBA Committee supported the
2 proposal to modify the fees, and

3 WHEREAS, on March 6, 2018, PDS staff presented the proposed Financial
4 Policy and Fee Schedule and proposed amendments to Chapters 2.09, 2.19, and
5 3.09 of the Tacoma Municipal Code ("TMC"), to the Government Performance and
6 Finance Committee, and

7
8 WHEREAS the final proposed TMC amendments and associated policy and
9 schedule will be presented at City Council's Study Session of April 3, 2018, and

10
11 WHEREAS it is necessary to adjust the permit services for single-family and
12 duplex construction to allow PDS to continue providing a sustainable level of
13 service that is desired by permitting customers; in addition, the creation of a new
14 fee schedule will facilitate the evaluation these fees on an annual basis, and
15 facilitate adjustments as necessary to maintain and enhance permitting levels of
16 service while recovering costs for those services, and

17
18 WHEREAS, as outlined in the PDS Financial Policy document, careful
19 monitoring of cost of services, along with continued work to improve efficiencies in
20 these services, will be performed in 2018 to determine if the remaining fee
21 adjustments to achieve full cost recovery should be implemented in 2018, and

22
23 WHEREAS, as an operating Enterprise Fund service delivery department,
24 economic fluctuations in the construction industry and subsequent fluctuations in
25 the permit revenues collected during economic downturns, necessitates the need
26 for PDS to create a dedicated reserve fund, which will allow PDS the ability to



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mitigate the effects of a rapid loss of permitting revenue and make adjustments to PDS operations; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 2.09 of the Tacoma Municipal Code is hereby amended substantially as set forth in the attached Exhibit "A."

Section 2. That Chapter 2.19 of the Tacoma Municipal Code is hereby amended substantially as set forth in the attached Exhibit "B."

Section 3. That Chapter 3.09 of the Tacoma Municipal Code is hereby amended substantially as set forth in the attached Exhibit "C."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney