



## Legislation Passed May 1, 2018

The Tacoma City Council, at its regular City Council meeting of May 1, 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.

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### **Resolution No. 39999**

A resolution awarding a contract to Aramark Sports and Entertainment Services, LLC, in the amount of \$2,000,000, a start-up investment by the contractor for provision of food and beverage services at the Tacoma Dome and Greater Tacoma Convention Center, for a contract term of ten years, with projected annual net proceeds between \$1,700,000 and \$2,700,000, and projected total net proceeds of \$22,500,000 - Specification No. PF17-0463F.

[Jon Houg, Deputy Director; Kim Bedier, Director, Tacoma Venues and Events]

### **Resolution No. 40000**

A resolution authorizing an increase to the contract with Rosenbauer South Dakota, LLC, in the amount of \$43,203, plus applicable sales tax, for a total of \$1,567,908, budgeted from the General Fund, for emergency lighting systems for three fire engines - National Joint Powers Alliance Contract No. 011714-RSD.

[Michael Fitzgerald, Assistant to the Chief; James P. Duggan, Fire Chief]

### **Resolution No. 40001**

A resolution authorizing the execution of a Multi-Family Housing Eight-Year Limited Property Tax Exemption Agreement with Primero Courtyards LLC, for the development of 12 multi-family market-rate rental housing units, located at 4013 South Puget Sound Avenue in the Tacoma Mall Mixed-Use Center.

[Debbie Bingham, Economic Development Specialist; Kim Bedier, Acting Director, Community and Economic Development]

### **Resolution No. 40003**

A resolution directing the City Manager to review current funding for tenant assistance and to provide information and options relating to relocation assistance for discussion at the Community Vitality and Safety Committee as part of an overall strategy related to tenant rights; and, authorizing the use of City Council Contingency Funds up to \$10,000 to provide case management services to the Tiki Apartment residents who may be displaced.

[Mayor Woodards and Council Members Blocker and Ushka]

### **Substitute Ordinance No. 28503**

An ordinance amending Chapter 9.08 of the Municipal Code, relating to Right-of-Way Occupancies, to facilitate the appropriate deployment of next generation cellular network infrastructure in the public right-of-way.

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

**Ordinance No. 28506**

An ordinance amending Chapter 1.12 of the Municipal Code, entitled “Compensation Plan”, to implement rates of pay and compensation for employees represented by the International Brotherhood of Electrical Workers, Local 483, Click! Unit and Human Resources Unit.

[Kari Louie, Senior Compensation and Benefits Manager; Gary Buchanan, Director, Human Resources]

**Ordinance No. 28507**

An ordinance amending Title 2 of the Municipal Code, entitled “Buildings”, by adding a new Chapter 2.21, entitled “Housing Code Requirements for Temporary Shelters”, to establish restrictions, life-safety provisions, and permitting and operational requirements, and to allow exemptions from the state building code requirements for temporary shelters.

[Sue Coffman, Building Official; Peter Huffman, Director, Planning and Development Services]



## RESOLUTION NO. 39999

1 A RESOLUTION related to the purchase of materials, supplies or equipment, and  
2 the furnishing of services; authorizing the execution of a contract with  
3 Aramark Sports and Entertainment Services, LLC, in the amount of  
4 \$2,000,000, a start-up investment by the contractor for provision of food and  
5 beverage services at the Tacoma Dome and Greater Tacoma Convention  
6 Center, for a contract term of ten years, with projected annual net proceeds  
7 of \$1,700,000 to \$2,700,000, and projected total net proceeds of  
8 \$22,500,000, pursuant to Specification No. PF17-0463F.

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

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

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

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

19 Section 2. That the proper officers of the City are hereby authorized to  
20 enter into a contract with Aramark Sports and Entertainment Services, LLC, in the  
21 amount of \$2,000,000, a start-up investment by the contractor for provision of  
22 food and beverage services at the Tacoma Dome and Greater Tacoma  
23 Convention Center, for a contract term of ten years, with projected annual net  
24 proceeds of \$1,700,000.00 to \$2,700,000, and projected total net proceeds of  
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1 \$22,500,000, pursuant to Specification No. PF17-0463F, consistent with  
2 Exhibit "A."

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4 Adopted \_\_\_\_\_

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7 Mayor

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9 Attest: \_\_\_\_\_  
10 City Clerk

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12 Approved as to form: \_\_\_\_\_  
13 City Attorney

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## RESOLUTION NO. 40000

1 A RESOLUTION related to the purchase of materials, supplies or equipment, and  
2 the furnishing of services; authorizing the increase of Contract  
3 No. 4500439973 with Rosenbauer South Dakota, LLC, in the amount of  
4 \$43,203, plus applicable sales tax, for a total of \$1,567,908, budgeted from  
the General Fund, for emergency lighting systems for three fire engines,  
pursuant to National Joint Powers Alliance Contract No. 011714-RSD.

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

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

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

13 Section 1. That the Council of the City of Tacoma concurs with the Board of  
14 Contracts and Awards to adopt the recommendation for award as set forth in the  
15 attached Exhibit "A."  
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17 Section 2. That the proper officers of the City are hereby authorized to  
18 increase Contract No. 4500439973 with Rosenbauer South Dakota, LLC, in the  
19 amount of \$43,203, plus applicable sales tax, for a total of \$1,567,908,  
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1 budgeted from the General Fund, for emergency lighting systems for three fire  
2 engines, pursuant to National Joint Powers Alliance Contract No. 011714-RSD,  
3 consistent with Exhibit "A."  
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5 Adopted \_\_\_\_\_  
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Mayor

9 Attest:  
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11 City Clerk

12 Approved as to form:  
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14 City Attorney  
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## RESOLUTION NO. 40001

1 A RESOLUTION relating to the multi-family property tax exemption program;  
2 authorizing the execution of a Multi-Family Housing Eight-Year Limited  
3 Property Tax Exemption Agreement with Primero Courtyards LLC, for the  
4 development of 12 multi-family market-rate rental housing units, located at  
5 4013 South Puget Sound Avenue in the Tacoma Mall Mixed-Use Center.

6 WHEREAS the City has, pursuant to chapter 84.14 of the Revised Code of  
7 Washington, designated several Residential Target Areas for the allowance of a  
8 limited property tax exemption for new multi-family residential housing, and

9 WHEREAS the City has, through Ordinance No. 25789, enacted a program  
10 whereby property owners in Residential Target Areas may qualify for a Final  
11 Certificate of Tax Exemption which certifies to the Pierce County  
12 Assessor-Treasurer that the owner is eligible to receive a limited property tax  
13 exemption, and

14 WHEREAS, Primero Courtyards LLC is proposing to develop 12 market-rate  
15 rental units to consist of one studio unit, with an approximate size of 270 square  
16 feet and renting for approximately \$825 per month; and 11 one-bedroom, one-bath  
17 units with an average size of 400 square feet and renting for approximately  
18 \$950 per month, as well as one on-site residential parking stall, and

19 WHEREAS the Director of Community and Economic Development has  
20 reviewed the proposed property tax exemption and recommends that a  
21 conditional property tax exemption be awarded for the property located at  
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1 4013 South Puget Sound Avenue, as more particularly described in the attached  
 2 Exhibit "A"; Now, Therefore,

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

4 Section 1. That the City Council does hereby approve and authorize a  
 5 conditional property tax exemption, for a period of eight years, to  
 6 Primero Courtyards LLC, for the property located at 4013 South Puget Sound  
 7 Avenue in the Tacoma Mall Mixed-Use Center, as more particularly described in the  
 8 attached Exhibit "A."  
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10 Section 2. That the proper officers of the City are authorized to execute a  
 11 Multi-Family Housing Eight-Year Limited Property Tax Exemption Agreement with  
 12 Primero Courtyards LLC, said document to be substantially in the form of the  
 13 proposed agreement on file in the office of the City Clerk.  
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15 Adopted \_\_\_\_\_  
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 Mayor

19 Attest:  
 20 \_\_\_\_\_  
 21 City Clerk

22 Approved as to form:  
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 25 Deputy City Attorney

22 Legal description approved:  
 23 \_\_\_\_\_  
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 25 Chief Surveyor  
 26 Public Works Department





**EXHIBIT "A"**

**LEGAL DESCRIPTION**

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Tax Parcel: 2890000432

Legal Description:

That portion of the Northwest Quarter of the Southwest Quarter of Section 18, Township 20 North, Range 03 East of the Willamette Meridian, more particularly described as follows:

Lot 7, Block 13, Cascade Park Addition to Tacoma, W.T, according to plat recorded in Book 1 of Plats at Page 20, records of the Pierce County Auditor;

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



## RESOLUTION NO. 40003

1 BY REQUEST OF MAYOR WOODARDS AND COUNCIL MEMBERS BLOCKER  
2 AND USHKA

3 A RESOLUTION relating to affordable housing; directing the City Manager to  
4 review current funding for tenant assistance and provide information and  
5 options relating to relocation assistance for discussion by the Community  
6 Vitality and Safety Committee, as part of an overall strategy related to  
7 tenant rights; and authorizing the use of City Council Contingency Funds,  
8 in an amount up to \$10,000, to provide case management services for  
9 Tiki Apartment residents who may be displaced.

10 WHEREAS shelter is a basic human necessity, and as the City works to  
11 alleviate homelessness, it also wants to ensure that those who are currently  
12 housed, remain so, and

13 WHEREAS, on April 5, 2018, residents in all 58 units of the Tiki Apartments  
14 complex received notices to vacate their apartments so that substantial  
15 rehabilitation of the apartments could be performed, with half of the residents given  
16 until April 30, 2018, to vacate, and the other half given until the end of May 2018 to  
17 vacate, in accordance with current notification requirements, and

18 WHEREAS, although some vacation dates have been extended, many of the  
19 residents are low-income, disabled, or have other challenges in finding a new home  
20 within such a short timeframe and within a similar price point, and

21 WHEREAS similar hardship experiences were conveyed to the City Council  
22 by members of the public at its regular meeting on April 24, 2018; at this meeting,  
23 the City Council adopted Resolution No. 39998, directing the City Manager to  
24 review related City policies and have staff examine options for expanding tenants'  
25 rights while not doing undue harm to landlords, and  
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WHEREAS, on April 26, 2018, the City Council held a Special Meeting and approved Amended Ordinance No. 28508, adding a chapter to the Tacoma Municipal Code for tenant rights, which requires landlords to provide 90 days' written notice prior to terminating a month-to-month tenancy under certain circumstances, which requirement will become effective on May 14, 2018, and

WHEREAS the emergency ordinance has a sunset date of September 30, 2018, so that the Community Vitality and Safety Committee will have an opportunity to discuss policy options and bring forth recommendations related to tenant rights for Tacoma residents for City Council consideration, and

WHEREAS, although the 90 days' written notice requirement will provide additional notice and protections to future displaced tenants, it will not provide additional notice to tenants of the Tiki Apartments who have already received their notice, and

WHEREAS, as a result of these issues, the City Council is directing the City Manager to review the current funding for tenant assistance and provide information and options relating to relocation assistance for discussion at the Community Vitality and Safety Committee, as part of an overall strategy related to tenant rights for displaced tenants, due to no fault of their own; and authorizing the use of City Council Contingency Funds, in an amount up to \$10,000, to provide case management services for Tiki Apartment residents who may be displaced, and



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WHEREAS RCW 35.33.145 and 35.34.250 authorize a withdrawal from the City Council Contingency Fund for any municipal expense, the necessity or extent of which could not have been foreseen or reasonably evaluated at the time of adopting the budget, and

WHEREAS the City Council's request to use funds from the Contingency Fund for case management services for residents of the Tiki Apartments who may be displaced is necessary and could not have reasonably been foreseen or evaluated at the time the City Council adopted the budget, and

WHEREAS Ordinance No. 22569 requires an affirmative vote of not less than six members of the City Council in order to withdraw moneys from this fund;

Now, Therefore,

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

That the City Council hereby directs the City Manager to review current funding for tenant assistance and to provide information and options relating to relocation assistance, for discussion by the Community Vitality and Safety Committee, as part of an overall strategy related to tenant rights; and authorizing



1 the use of City Council Contingency Funds, in an amount up to \$10,000, to provide  
2 case management services for residents of the Tiki Apartments who may be  
3 displaced.

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5 Passed \_\_\_\_\_

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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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**SUBSTITUTE**  
**ORDINANCE NO. 28503**

1 AN ORDINANCE relating to right-of-way occupancies; amending Chapter 9.08 of  
2 the Tacoma Municipal Code, relating to right-of-way occupancies, to  
3 facilitate the appropriate deployment of next generation cellular network  
4 infrastructure in public right-of-way.

4 WHEREAS wireless communication providers have begun to deploy what is  
5 known as fifth generation wireless facilities to increase the speed and coverage of  
6 wireless communication services, and

7 WHEREAS fifth generation wireless services rely significantly on the  
8 deployment of many small antenna facilities, known as small cells, in public  
9 rights-of-way to augment traditional communication tower technology, and

10 WHEREAS the Tacoma Municipal Code (“TMC”) currently lacks design and  
11 other standards applicable to small cell installations in the public right-of-way, and

12 WHEREAS on November 14, 2018, City staff provided the City Council with  
13 updates related to future installation of Small Cell infrastructure in City rights-of-  
14 way, and the City Council asked that appropriate small cell development standards  
15 be formulated for consideration, to mitigate negative impacts from small cells,  
16 including to the aesthetic environment, and

17 WHEREAS representatives from Public Works, Tacoma Public Utilities,  
18 Media and Communication Offices, and Planning and Development Services have  
19 worked collaboratively to prepare development standards, and, on January 31,  
20 2017, reviewed the proposed TMC amendments with wireless communication  
21 industry stakeholders, and

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WHEREAS the proposed amendments would codify procedures and design standards related to small cell installations, and if approved, the proposed regulations would amend the TMC as follows:

- Limit height above existing pole to 10 feet; new poles must not exceed height of 45 feet;
- Require installation to be same color as pole and require shrouding of cables;
- Antennas on pole must be flush mounted or, if top-mounted, must comply with diameter requirements;
- If required to replace pole, the new pole must accommodate cables internal to the pole;
- Screening or other stealth measures to minimize aesthetic impact of Gground level equipment, if proposed, must be screened;
- If in historic district or in business district with established pole design, the installation will be reviewed for compliance with district;
- Require relocation at expense of provider when/if the City undergrounds utilities;
- Include Director discretion to allow flexibility when demonstrated to be necessary;
- Increase the permit fee in step towards fiscal sustainability, and

WHEREAS City staff recommends 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 as substantially as set forth in the attached Exhibit "A."

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney





## EXHIBIT "A"

1 Gray highlights indicate text codified pursuant to Ordinance No. 28501, passed April 10, 2018  
(codified between first and second readings of this ordinance).

2 Yellow highlights indicate changes between first and second readings of this ordinance.

### 3 Chapter 9.08 4 **RIGHT-OF-WAY OCCUPANCIES<sup>1</sup>**

5 Sections:

6 9.08.010 Definitions.

7 9.08.020 ~~Occupancy permit~~ Written permission required.

8 9.08.022 Exemptions.

9 9.08.024 Nonconforming development.

10 9.08.026 Blanket permits for Neighborhood Districts.

11 9.08.030 Application – Information required.

12 9.08.040 Processing of application.

13 9.08.045 Small cell design.

14 9.08.050 Indemnity deposit on approved applications for permit.

15 9.08.060 Indemnity to save the City harmless from claims.

16 9.08.070 Revocation of permits ~~and removal of development.~~

17 9.08.075 Fees.

18 9.08.080 Issuance of permits.

19 9.08.090 Validation of prior permit.

#### 20 **9.08.010 Definitions.**

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

26 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.

The term "small cell facility," whenever used in this chapter, shall mean a personal wireless  
services facility that meets both of the following qualifications:

- 23 1. Each antenna is located inside an antenna enclosure of no more than three (3) cubic feet in  
24 volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed  
25 elements could fit within an imaginary enclosure of not more than three (3) cubic feet; and
- 26 2. Primary equipment enclosure is no larger than seventeen (17) cubic feet in volume. The  
following associated equipment may be located outside the primary equipment enclosure and if so

<sup>1</sup> Streets – Obstructions and Excavations – See Chapter 10.22



located, are not included in the calculation of equipment volume; electric meter, concealment, telecomm demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

**9.08.020 Occupancy permit Written Permission Required.**

A. Except as exempted below, it is unlawful for anyone to use any public right-of-way for private purposes without a written permit-permission 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 (not including small cell facilities), street or sewer installation and improvement work authorized by ordinance, or street improvement projects under contract with the City of Tacoma.

**B. Written permission of a Small Cell Facility shall be as follows:**

1. If a small cell facility is attached to a City asset, the, typically Public Work or Tacoma Public Utility Poles, installation shall be permitted through a Pole Attachment Agreement and other appropriate development permits, including a work order.

2. If a small cell facility is attached to an existing/replacement pole not owned by the City, the attachment shall be reviewed under this chapter and appropriate development permits. It will be determined, on a case by case basis, if a separate Right-of-Way Permit, Pole Attachment Agreement, and/or amended Franchise Agreement is necessary.

3. If a new pole, not owned by the City, is necessary to accommodate the small cell facility, a Right-of-Way Occupancy Permit will be required for the pole in addition to other appropriate development permits, including a work order.

If a small cell facility is attached to a City asset, the installation shall be permitted through a Pole Attachment Agreement, and other appropriate development permits, including a work order. If a new pole, not owned by the City, is necessary to accommodate the small cell facility, a Right of Way Occupancy Permit will be required for the pole in addition to other appropriate development permits, including a work order.

C. Small cell facility installations shall be subject to the procedural requirements in Section 9.08.030, the development standards contained in Section 9.08.045, and shall pay the permit fees identified in Section 9.08.075. Other sections do not apply.

**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:

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.



1 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.

2 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  
3 sidewalks, street trees, benches, and bike racks.

4 **9.08.024 Nonconforming Development.**

5 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  
6 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  
7 nuisance, it will be subject to enforcement.

8 **9.08.026 Blanket permits for Neighborhood Districts.**

9 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  
10 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  
11 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.  
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13 **9.08.030 Application – Information required.**

14 Application for permits herein provided for shall be filed with the City of Tacoma Planning and Development Services Department. Information required in the application includes:

15 A. An accurate description of the public place or portion thereof desired to be used as herein specified;

16 B. The use desired to be made of such public place by the applicant;

17 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

18 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 public right-of-way where the said subsurface use or improvement is to be conducted or constructed.  
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20 E. If the request is for a surface occupancy of right-of-way located within shoreline segments S-1 through S-12, all further construction and development on such right-of-way shall be subject to Chapter 13.10 of the Official Code of the City of Tacoma and Chapter 90.58 RCW. The Director of Public Works may require that the applicant comply with the provisions of said Chapter 13.10 prior to the issuance of a permit pursuant to this chapter.  
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23 F. If the request is a small cell facility, the following information shall be provided:

24 1. Notice shall be published in a newspaper of general circulation once per week, for a minimum period of 30 days, and an affidavit of publication shall be provided at the time of application as proof that the required notice has occurred.

25 2. A letter signed by the applicant stating the facility will comply with all FAA regulations and applicable standards, and all other applicable federal, state, and local laws and regulations.  
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1 3. A signed statement indicating that such installation, repair, operation, upgrading, maintenance,  
2 and removal of antenna(s) by the wireless communication provider shall be lawful and in  
3 compliance with all applicable laws, orders, ordinance, and regulations of federal, state, and local  
4 authorities having jurisdiction.

5 4. A signed statement that the applicant agrees to remove the facility within one year of  
6 abandonment.

7 5. Cover Sheet containing:

8 a. Correct project location.

9 b. Clear project description.

10 6. A Radio-Frequency (RF) report demonstrating compliance with FCC Standards.

11 7. Site Plan, including any new vaults proposed.

12 8. Elevation Sheet showing:

13 a. Location of Node ID sticker (low contrast colors) and RF warning sticker. Show RF warning  
14 sticker facing out to the street and near antenna, or away from the street and near antenna if no  
15 window within 50 feet.

16 b. Indicate height to top of pole, antenna, top and bottom of equipment enclosures.

17 c. Show any existing or proposed guy wires.

18 d. Show equipment enclosures.

19 e. Show other elements, such as NEMA, PBX, or J boxes, ground bus bars, and base plate mounts.

20 f. Show offset (distance) of equipment cabinets from pole.

21 9. Photo Simulations showing:

22 a. Antenna configuration and cabling and equipment sizes, offsets (cabinets from pole)

23 b. RF warning and node identification stickers, if visible from given perspectives

24 c. Perspectives that provide a true sense of distance to nearest residential windows or primary  
25 facades of historic buildings.

#### 26 **9.08.040 Processing of application.**

The Director of Planning and Development Services, or designee, shall cause each application to be examined to determine if it complies with the provisions of this chapter. Representatives of the City of Tacoma shall inspect the premises which are desired to be used to determine whether or not the proposed use conforms with the provisions of this chapter and the regulations pertaining to safety, material, and design of the Tacoma Building Code, Zoning Code, and/or Public Works Design Manual.

If the Director of Planning and Development Services, or designee, determines that the application conforms to the requirements of this chapter, and also that the proposed use of such public place will not unreasonably limit or encroach upon the public's right to travel upon said right-of-way, or the ancillary right to occupy said right-of-way for utility purposes, the Director of Planning and Development Services, or designee, may approve the application. In approving the permit, the City Engineer and/or Director of Planning and Development Services 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.

When related to installation of small cell facilities, applications may be submitted in batches of up to 25 applications at a time. The batches must be limited to one facility design and all on same type of pole (i.e.: light pole, power pole, other).



**9.08.045 Small cell design.**

Small cell facilities must demonstrate compliance with the following development standards:

A. Small cell facilities proposed in historic districts must demonstrate compatibility with historic district standards. If approval by the City’s Landmarks Commission is necessary, such approval must be obtained prior to installation.

B. Small cell facilities proposed on decorative poles designed for a particular business district or neighborhood district will be evaluated for consistency with the established pole design for that business district.

BC. Small cell facilities must be located on existing/replacement poles unless it can be demonstrated through engineering that location on an existing/replacement pole is not feasible.

D. Small cell facilities shall be limited to one provider on each pole, unless the installations are integrated into the pole design, such as a smart pole.

E. When/if the City undergrounds power infrastructure, the small cell facility shall be removed at the expense of the small cell facility provider and shall relocate in compliance with this chapter if in right-of-way, or in compliance with Chapter 13.06 if on private property.

F. The Director, or designee, has discretion to approve alternatives to the below standards when:

1. The pole owner requires an alternative for safety reasons or;

2. An alternative is needed to meet the needs of the cellular network. In this instance, the provider must demonstrate through engineering that the alternative is the minimum necessary to meet the needs to the network. The City reserves the right to require third-party technical review when deemed necessary. The cost of the third-party review shall be borne by the applicant or wireless provider. Specific limitations are noted below.

CG. Antenna.

1. The antenna(s) must be same color as pole to which it is attached.

2. Antennas shall be internal to the pole, flush-mounted, in-line top mounted, or offset from pole a minimum of six inches. An offset installation shall utilize a stand-off arm or similar installation. The antenna(s) must be flush mounted (not allowed on an extension/side arm) or an in-line top mount.

3. When an alternative to Section F.2 above is requested, the antenna(s) may be offset up to, but no more than, six 12 inches.

4. If utilizing a top-mount, the antenna may not exceed the diameter of the pole or 16 inches, whichever is greater.

3.5. The antenna(s) must not extend more than 10 feet above an existing pole. Additional height may be allowed at the discretion of the Director if it is demonstrated that the additional height is needed to provide adequate safety clearance.

6. If the antenna(s) are is-mounted on a new pole, the total height of pole and antenna(s) combined may not exceed 45 feet.

DH. Equipment and Cables.

1. The equipment must be the same color as the pole to which it is attached.

2. Equipment with cooling fans shall not be located within 15 feet of a residential structure and shall not be located in alignment with windows of a residential structure.

3. Equipment enclosures must be stacked together and no more than six inches offset from pole. When an alternative offset is requested, the enclosure may be offset up to, but no more than, 12 inches.





4. Cables must be located inside the pole or concealed on the outside of the pole through shrouding or painting the same color as pole, whichever will minimize aesthetic impacts to the greatest extent possible.

EI. New/Replacement Poles.

1. When replacement is necessary, the pole must be replaced by the wireless carrier. If a City pole, the replaced pole shall meet the City’s specifications and will be replaced at the wireless carrier’s cost.

2. When installing a new or replacement pole, the pole shall accommodate cables internal to the pole.; unless pole owner requires replacement to be a wood pole.

3. New poles for sole purpose of supporting Small Cell Facility must not exceed the height limit in Subsection E.4 above.

4. Replacement poles may be constructed to the original height. The antenna must not exceed the height limit in Subsection E.3 above.

5. If ground-level equipment is proposed, the equipment shall be screened.

a. If plantings are removed to accommodate the equipment, plantings shall be replaced.

b. If no planting exists, an artistic wrap/skin or other stealth alternatives are acceptable for purpose of blending into streetscape.

1. Small cell facilities must be located on an existing pole unless it can be demonstrated through engineering that location on an existing pole is not feasible. In this context, the need to replace a pole does not constitute “not feasible”.

2. When determined by the City that the existing city pole cannot accommodate the proposed small cell facility, the City pole must be replaced by the wireless carrier. The replaced pole shall meet the City’s specifications and will be replaced at the wireless carrier’s cost.

3. When installing a new pole, the new pole shall accommodate cables internal to the pole.

4. New poles and replacement poles must not exceed the height limit in Subsection C above.

5. If ground level equipment is proposed, the equipment shall be screened with plantings. This requirement will be waived when it can be demonstrated that the planting will conflict with and/or create a hazard to existing utility infrastructure, sight distance constraints, or ADA.

**9.08.050 Indemnity deposit on approved applications for permit.**

If the Director of Planning and Development Services determines that there is a probability of expense to the City arising from the applicant’s proposed use of public right-of-way, the applicant shall deposit with the Director of Planning and Development Services a cash deposit. The amount of the cash indemnity deposit shall be determined by the Director of Planning and Development Services at the time of approving the application, and shall be governed by the anticipated amount and extent of expense to the City as determined by the Director of Planning and Development Services. Such indemnity deposit shall be used to pay the cost, plus 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

E. Any other expenses the City may sustain in conjunction with the permitted work. The balance of the cash indemnity deposit, if any, after the foregoing deductions, shall be returned to the applicant.



1 If the indemnity deposit be insufficient, the applicant will be liable for the deficiency. If the  
2 Director of Planning and Development Services determines that engineering studies must be made  
3 prior to the approval of any application for permit, the cost of such study shall be paid for by the  
4 applicant, or deducted from his indemnity deposit.

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

15 **9.08.060 Indemnity to save the City harmless from claims.**

16 The City of Tacoma may require the applicant to file with the Department of Planning and  
17 Development Services, prior to the effective date of any permit, a Commercial and/or Residential  
18 General Liability policy using the most current version of the Insurance Services Office form  
19 CG001 or the equivalent, issued by a company duly licensed to do business in the state of  
20 Washington. The required policy must be in effect for the duration of the permit.. Coverages  
21 provided by the insurance policy shall include, but shall not be limited to, all of the usual coverages  
22 commonly referred to by the insurance industry as:

23 Operations Liability

24 Premises/Completed Operations Liability

25 Owner's and Contractor's Protective Liability

26 Blanket Contractual Liability

1 In the case of Commercial Insurance, the insurance policy shall: (1) name the City of Tacoma as an  
2 additional insured using the most current version of the Insurance Services Office form CG2012;  
3 (2) apply as primary insurance and be non-contributory, regardless of any insurance which the City  
4 may carry; (3) include a "cross-liability" (Separation of Insured) clause; and (4) include limits of  
5 protection set by City of Tacoma Risk Management for combined single limit, bodily injury and  
6 property damage. It is to be understood and agreed that the permittee's obligation to hold harmless  
7 the City from claims for damages arising out of the operations related to the permit shall not be  
8 limited to the amount of insurance provided by the permittee. The Permittee shall give notice to the  
9 Risk Manager of the City of Tacoma 30 days before the cancellation of said policy. In the case of  
10 Commercial Insurance, the applicant must provide a certificate of insurance as evidence of the  
11 Commercial General Liability insurance and a copy of the endorsement showing the City of  
12 Tacoma as additional insured prior to the effective date of the permit. In the case of Residential  
13 Insurance, when required, the homeowner must provide proof of homeowner insurance in the  
14 amount of not less than \$500,000.00.

15 **9.08.070 Revocation of permits and removal of development.**

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



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If any such structure, obstruction, use, or occupancy is not discontinued on notice to do so by the Director of Planning and Development Services, the 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 permittee permit or 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. 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 to exempt activities. Use fees are established for certain commercial occupancies of the street rights-of-way, and are payable in addition to the application. 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.

Right-of-Way occupancy permit fees shall be collected by Planning and Development Services Department, and payment of required fees is a condition of the issuance and continuance of any such permit. Commercial Annual Use Fees shall be deposited in the General Fund.





**RIGHT-OF-WAY OCCUPANCY PERMIT FEES  
ADMINISTRATIVE FEES**

|   |        |
|---|--------|
| <b>General Application Fee*</b><br>(includes processing, initial inspection, review, document preparation)  | \$640  |
| <b>Sidewalk Café – Application Fee**</b><br>(includes processing, initial inspection, review, document preparation)   | No Fee |
| <b>Annual Renewal Fee</b><br>(includes site inspection for compliance, file review, insurance review and application of fee escalators/adjustments as required) | \$ 90  |

\*Includes application for small cell facilities, regardless if on City pole or private pole; except application fee may be waived if review is conducted under a work order.

\*\*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**

|  |                               |
|--|-------------------------------|
| <b>Commercial Occupancy - Exclusive Use</b><br>(based on square footage occupied)                      | 10% of Assessed Land Value**  |
| <b>Commercial Occupancy - Non-exclusive Use</b><br>(based on square footage occupied)                  | 5% of Assessed Land Value**   |
| <b>Subsurface Use</b><br>(based on square footage occupied)  | 2.5% of Assessed Land Value** |
| <b>Minimum Annual Commercial Occupancy Fee</b><br>(for commercial occupancies, unless exempted herein) | \$120                         |
| <b><u>Small Cell Facility when subject to Pole Attachment Agreement**</u></b>                          | <u>No Fee</u>                 |
| <b>Sidewalk Cafés</b><br>(subject to annual renewal fee only – annual permit to be posted onsite)      | 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.

\*\* When locating a new private pole designed solely for small cell facilities, the pole will be subject to the commercial Occupancy General Annual Use Fee. Small Cell Facilities on private poles will be subject to the commercial Occupancy General Annual Use Fee.



**SPECIFIC USE FEES**

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Signs – Annual Fee

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|---|-------|
| <b>Commercial</b>                             | \$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. The use fees 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.

**9.08.080 Issuance of permits.**

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

**9.08.090 Validation of prior permit.**

Permits issued prior to the adoption of this Ordinance 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. 28506

1 AN ORDINANCE relating to pay and compensation; amending Chapter 1.12 of  
 2 the Tacoma Municipal Code to implement rates of pay and compensation  
 3 for employees represented by the International Brotherhood of Electrical  
 4 Workers ("IBEW"), Local 483, Click! Unit, and the IBEW, Local 483,  
 5 Human Resources Unit; and declaring the effective dates thereof.

6 WHEREAS this ordinance implements rates of pay and compensation for  
 7 employees represented by the International Brotherhood of Electrical Workers  
 8 ("IBEW"), Local 483, Click! Unit, pursuant to the 2017-2018 Collective Bargaining  
 9 Agreement negotiated between the City and IBEW, and

10 WHEREAS, additionally, this ordinance corrects rates contained in  
 11 Ordinance No. 28493, passed March 6, 2018, for employees represented by the  
 12 IBEW, Local 483, Human Resources Unit; Now, Therefore,

### BE IT ORDAINED BY THE CITY OF TACOMA:

14 Section 1. That Section 1.12.355 of the Tacoma Municipal Code is hereby  
 15 amended, effective retroactive to January 1, 2017, to read as follows:

| Code | A | Job Title  | 1     | 2     | 3     | 4     | 5     |
|------|---|--|-------|-------|-------|-------|-------|
| 5511 |   | Sales & Service Representative                     | 49.68 | 20.66 | 21.70 | 22.79 | 23.92 |
| 5516 |   | Telecommunications Utility Worker                  | 48.63 | 49.56 | 20.53 | 21.56 | 22.64 |
| 5517 |   | Network Operations Center Technician               | 22.20 | 23.31 | 24.48 | 25.71 | 26.98 |
| 5518 |   | Telecommunications Technician 1                    | 23.76 | 24.94 | 26.18 | 27.50 | 28.86 |
| 5540 |   | Telecommunications Network Construction Technician | 26.40 | 27.72 | 29.11 | 30.56 | 32.09 |
| 5543 |   | Telecommunications Network Technician              | 29.80 | 31.30 | 32.87 | 34.51 | 36.23 |

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| Code | A | Job Title  | 1                     | 2                     | 3                     | 4                     | 5                     |
|------|---|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| 5511 |   | Sales & Service Representative                     | <a href="#">20.07</a> | <a href="#">21.07</a> | <a href="#">22.13</a> | <a href="#">23.25</a> | <a href="#">24.40</a> |
| 5516 |   | Telecommunications Utility Worker                  | <a href="#">19.00</a> | <a href="#">19.95</a> | <a href="#">20.94</a> | <a href="#">21.99</a> | <a href="#">23.09</a> |
| 5517 |   | Network Operations Center Technician               | <a href="#">22.64</a> | <a href="#">23.78</a> | <a href="#">24.97</a> | <a href="#">26.23</a> | <a href="#">27.52</a> |
| 5518 |   | Telecommunications Technician 1                    | <a href="#">24.24</a> | <a href="#">25.44</a> | <a href="#">26.70</a> | <a href="#">28.05</a> | <a href="#">29.44</a> |
| 5540 |   | Telecommunications Network Construction Technician | <a href="#">26.93</a> | <a href="#">28.28</a> | <a href="#">29.69</a> | <a href="#">31.17</a> | <a href="#">32.73</a> |
| 5543 |   | Telecommunications Network Technician              | <a href="#">30.40</a> | <a href="#">31.93</a> | <a href="#">33.53</a> | <a href="#">35.20</a> | <a href="#">36.96</a> |

Section 2. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective retroactive to January 1, 2018, to read as follows:

| Code | A | Job Title  | 1                     | 2                     | 3                     | 4                     | 5                     |
|------|---|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| 5511 |   | Sales & Service Representative                     | <a href="#">20.07</a> | <a href="#">21.07</a> | <a href="#">22.13</a> | <a href="#">23.25</a> | <a href="#">24.40</a> |
| 5516 |   | Telecommunications Utility Worker                  | <a href="#">19.00</a> | <a href="#">19.95</a> | <a href="#">20.94</a> | <a href="#">21.99</a> | <a href="#">23.09</a> |
| 5517 |   | Network Operations Center Technician               | <a href="#">22.64</a> | <a href="#">23.78</a> | <a href="#">24.97</a> | <a href="#">26.23</a> | <a href="#">27.52</a> |
| 5518 |   | Telecommunications Technician 1                    | <a href="#">24.24</a> | <a href="#">25.44</a> | <a href="#">26.70</a> | <a href="#">28.05</a> | <a href="#">29.44</a> |
| 5540 |   | Telecommunications Network Construction Technician | <a href="#">26.93</a> | <a href="#">28.28</a> | <a href="#">29.69</a> | <a href="#">31.17</a> | <a href="#">32.73</a> |
| 5543 |   | Telecommunications Network Technician              | <a href="#">30.40</a> | <a href="#">31.93</a> | <a href="#">33.53</a> | <a href="#">35.20</a> | <a href="#">36.96</a> |

| Code | A | Job Title  | 1                     | 2                     | 3                     | 4                     | 5                     |
|------|---|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| 5511 |   | Sales & Service Representative                     | <a href="#">20.67</a> | <a href="#">21.70</a> | <a href="#">22.79</a> | <a href="#">23.95</a> | <a href="#">25.13</a> |
| 5516 |   | Telecommunications Utility Worker                  | <a href="#">19.57</a> | <a href="#">20.55</a> | <a href="#">21.57</a> | <a href="#">22.65</a> | <a href="#">23.78</a> |
| 5517 |   | Network Operations Center Technician               | <a href="#">23.32</a> | <a href="#">24.49</a> | <a href="#">25.72</a> | <a href="#">27.02</a> | <a href="#">28.35</a> |
| 5518 |   | Telecommunications Technician 1                    | <a href="#">24.97</a> | <a href="#">26.20</a> | <a href="#">27.50</a> | <a href="#">28.89</a> | <a href="#">30.32</a> |
| 5540 |   | Telecommunications Network Construction Technician | <a href="#">27.74</a> | <a href="#">29.13</a> | <a href="#">30.58</a> | <a href="#">32.11</a> | <a href="#">33.71</a> |
| 5543 |   | Telecommunications Network Technician              | <a href="#">31.31</a> | <a href="#">32.89</a> | <a href="#">34.54</a> | <a href="#">36.26</a> | <a href="#">38.07</a> |



Section 3. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective retroactive to January 1, 2018, to read as follows:

| Code | A | Job Title                  | 1                | 2                | 3                | 4                | 5     |
|------|---|----------------------------|------------------|------------------|------------------|------------------|-------|
| 1106 |   | Human Resources Assistant  | 21.62            | 22.70            | 23.84            | 25.03            | 26.28 |
| 1114 |   | Human Resources Specialist | <del>28.14</del> | <del>29.55</del> | <del>31.03</del> | 32.58            | 34.21 |
| 1115 |   | Human Resources Analyst    | <del>33.11</del> | <del>34.77</del> | <del>36.51</del> | <del>38.34</del> | 40.26 |

| Code | A | Job Title                  | 1            | 2            | 3            | 4            | 5     |
|------|---|----------------------------|--------------|--------------|--------------|--------------|-------|
| 1106 |   | Human Resources Assistant  | 21.62        | 22.70        | 23.84        | 25.03        | 26.28 |
| 1114 |   | Human Resources Specialist | <u>28.16</u> | <u>29.56</u> | <u>31.04</u> | 32.58        | 34.21 |
| 1115 |   | Human Resources Analyst    | <u>33.12</u> | <u>34.78</u> | <u>36.52</u> | <u>38.35</u> | 40.26 |

Section 4. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective January 1, 2019, to read as follows:

| Code | A | Job Title                  | 1                | 2                | 3                | 4                | 5     |
|------|---|----------------------------|------------------|------------------|------------------|------------------|-------|
| 1106 |   | Human Resources Assistant  | 22.21            | 23.32            | <del>24.49</del> | <del>25.71</del> | 27.00 |
| 1114 |   | Human Resources Specialist | <del>28.92</del> | 30.37            | 31.89            | 33.48            | 35.15 |
| 1115 |   | Human Resources Analyst    | 34.03            | <del>35.73</del> | 37.52            | 39.40            | 41.37 |

| Code | A | Job Title                  | 1            | 2            | 3            | 4            | 5     |
|------|---|----------------------------|--------------|--------------|--------------|--------------|-------|
| 1106 |   | Human Resources Assistant  | 22.21        | 23.32        | <u>24.50</u> | <u>25.72</u> | 27.00 |
| 1114 |   | Human Resources Specialist | <u>28.93</u> | 30.37        | 31.89        | 33.48        | 35.15 |
| 1115 |   | Human Resources Analyst    | 34.03        | <u>35.74</u> | 37.52        | 39.40        | 41.37 |

Section 5. That Section 1.12.640 of the Tacoma Municipal Code is hereby amended, effective as provided by law, to read as follows:

**1.12.640 Application of additional rates.**

\*\*\*

L483 CK An employee in a classification represented by the International Brotherhood of Electrical Workers, Local 483, Click! Unit, active as of the date of ratification of the 2017-2018 collective bargaining agreement and in a frozen wage rate, will receive a one-time lump sum payment of \$1,000.00. An employee will receive a one-time lump sum payment of \$1,000.00, if they remain in a frozen rate after the 2018 wage increase is applied.

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Section 6. That Section 1 is effective retroactive to January 1, 2017. That Sections 2 and 3 are effective retroactive to January 1, 2018. That Section 4 is effective January 1, 2019. That Section 5 is effective as provided by law.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney



## ORDINANCE NO. 28507

1 AN ORDINANCE relating to temporary shelters; amending Title 2 of the Tacoma  
2 Municipal Code, "Buildings," by adding thereto a new Chapter 2.21, entitled  
3 "Housing Code Requirements for Temporary Shelters," to establish  
4 restrictions, life-safety provisions, and permitting and operational  
requirements for temporary shelters.

5 WHEREAS the City adopted the most current state building codes on July 1,  
6 2016, which establish minimum requirements for the construction, installation,  
7 alteration, and change of use/occupancy for any building or structure, and  
8

9 WHEREAS permitting in compliance to these adopted codes is performed  
10 by the Planning and Development Services Department ("PDS"), and

11 WHEREAS, in 1991, Washington State Legislature adopted Washington  
12 Administrative Code ("WAC") 51-16-030, which allows cities and counties the  
13 option of adopting exemptions from the state building code requirements to provide  
14 housing for temporary indigent housing, and

15 WHEREAS cities and counties must adopt these exemptions by either  
16 ordinance or resolution, and the exemptions will not be considered a local  
17 government residential amendment requiring approval by the state Building Code  
18 Council, and  
19

20 WHEREAS the WAC provisions also state that these exemptions are  
21 allowed, provided that (1) the Building Official has reviewed and approved the  
22 proposed exemption; (2) the proposed housing for indigent persons is less  
23 hazardous than the existing use; (3) any code deficiencies exempted pose no  
24 threat to human life, health, or safety; (4) the building(s) exempted are owned or  
25  
26



1 administered by a public agency or nonprofit corporation; and (5) the exemption is  
2 authorized for no more than five years, subject to renewal of the exemption by the  
3 Building Official, and

4 WHEREAS the need to house individuals experiencing homelessness is an  
5 urgent issue that is being addressed by the City; the Washington State Legislature  
6 has also recognized this is a critical issue for all jurisdictions in the state, and has  
7 provided a means for cities and counties to use existing buildings to address these  
8 housing needs on a temporary basis, and

9 WHEREAS PDS staff is recommending the addition of a new Chapter 2.21  
10 to the Tacoma Municipal Code, entitled "Housing Code Requirements for  
11 Temporary Shelters," to establish new building code requirements related to  
12 temporary shelters authorized under WAC 51-16-030, and

13 WHEREAS the proposed amendments incorporate requirements to comply  
14 with the provisions of the WAC, including the following: (1) applying for permits  
15 and inspection of the proposed building; (2) shelter capacity and staffing; (3) life  
16 and health and safety provisions such as separation from hazards, smoke and fire  
17 protection, heating, ventilation, and sanitation, and other requirements; and  
18 (4) annual inspections to verify continued compliance with these requirements, and

19 WHEREAS the exemption is restricted to City of Tacoma owned or operated  
20 facilities, or facilities owned or operated by a City of Tacoma-approved nonprofit  
21 agency, and

22 WHEREAS the proposed amendments were reviewed and recommended  
23 for approval by the Board of Building Appeals on March 15, 2018; Now, Therefore,  
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BE IT ORDAINED BY THE CITY OF TACOMA:

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That Title 2 of the Tacoma Municipal Code, "Buildings," is hereby amended by the addition thereto of a new Chapter 2.21, entitled "Housing Code Requirements for Temporary Shelters," to establish restrictions, life-safety provisions, and permitting and operational requirements, and allow exemptions from the state building code requirements for temporary shelters, as set forth in the attached Exhibit "A."

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney



**EXHIBIT “A”**

Chapter 2.21

HOUSING CODE REQUIREMENTS FOR TEMPORARY SHELTERS

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Sections:

- 2.21.100 Purpose.
- 2.21.200 General.
- 2.21.300 Definitions.
- 2.21.400 Permits and inspections.
- 2.21.410 Permits.
- 2.21.420 Permit application.
- 2.21.430 Permit expiration or revocation.
- 2.21.500 Shelter capacity and staffing.
- 2.21.510 Maximum shelter capacity.
- 2.21.520 Temporary shelter staff.
- 2.21.600 Life-safety requirements.
- 2.21.610 Egress requirements.
- 2.21.620 Hazard evaluation and separation from hazards.
- 2.21.630 Smoke and fire protection.
- 2.21.640 Electrical requirements.
- 2.21.700 Emergency Evacuation Plan.
- 2.21.800 Lighting, heat, ventilation, and sanitation.

2.21.100 Purpose.

This chapter is adopted pursuant to Washington Administrative Code (“WAC”) 51-16-030 that allows the adoption of exemptions from the state building code requirements for temporary changes of use or occupancy to existing buildings in order to provide housing for individuals and families who are homeless. Those buildings or structures shall be required to comply with the provisions of this chapter while being used as temporary shelters for housing in addition to all existing provisions required by the approved certificate of occupancy for the existing use and occupancy unless it conflicts with the provisions of this chapter. Where code requirements conflict with the provisions of this chapter, the most restrictive provisions of this chapter shall apply as determined by the Building Official and/or Fire Code Official, or their designees.

2.21.200 General.

Temporary shelters for individuals and families who are homeless may be located in existing buildings owned and/or operated by either a non-profit or public agency without undergoing a change of use or occupancy, subject to the provisions in this chapter. Other code provisions not included in this chapter shall be in accordance with Tacoma Municipal Code (“TMC”) Chapters 2.02, Building Code; 2.06, Plumbing Code; 2.07, Mechanical Code; 2.10, Energy Code; and 2.13, Waterfront Structures and Marinas, as applicable. Temporary shelters shall also comply with applicable requirements in TMC Title 13, Land Use Regulatory Code. (Emergency provisions for sheltering individuals and temporary shelters allowed pursuant to TMC 13.06.635 are not addressed in this chapter.)

2.21.300 Definitions.

For the purposes of this code, the following definitions shall be used as stated in this chapter:

Approved Non-Profit Temporary Shelter Operator. A nonprofit organization certified as tax-exempt by the Internal Revenue Service and approved as a temporary shelter operator by the City of Tacoma Neighborhood and Community Services Department.

Homeless. A condition for an individual or family who do not have fixed, regular, adequate, or safe shelter nor sufficient funds to pay for such shelter.



Supportive services. Writing, training, vocational, and psychological counseling, or other similar programs designed to assist those who are homeless into independent living.

1 Temporary Shelter (Permitted). A facility whose primary purpose is to provide temporary or transitional shelter and/or supportive services to individuals or families who are homeless.

2 Temporary Shelter (Exempt). Structures being used to provide shelter to an individual person that are exempt from building permits such as single occupant tents (fabric, plastic, or wood), or other similar temporary structures less than 120 square feet erected on an emergency or temporary basis that provide shelter from the elements.

3 **2.21.400 Permits and inspections.**

4 The 400 section contains requirements for permitting and inspections, including the following:

5 2.21.410 Permits.

6 2.21.420 Permit Application.

7 2.21.430 Permit expiration or revocation.

8 **2.21.410 Permits.**

9 A Temporary Shelter Permit shall be required for occupancy of any existing building or structure to be used as a temporary shelter which does not comply with the requirements of the proposed occupancy for residential use in accordance with TMC 2.02. An application and fees in accordance with TMC 2.09 shall be submitted to the Building Official prior to occupancy of the building or structure. Inspections are also required with the Temporary Shelter Permit application pursuant to the requirements of this chapter;

10 **2.21.420 Permit application.**

11 The following shall be required for the issuance of a Temporary Shelter Permit:

12 A. Permit application. The applicant shall submit a complete application for a Temporary Shelter Permit in accordance with this chapter. The application shall include a minimum of the following:

13 1. Site address, building owner, and operator name;

14 2. Site plan showing external facility layout and fire department access route, including location/distances to nearest fire hydrant(s);

15 3. Internal facility layout showing sleeping rooms and other spaces including restrooms and bathing facilities, kitchens, and other common spaces, and other portions of the building not being used;

16 4. Locations of doors, a schedule of door hardware, and exit signage;

17 5. Location of smoke/carbon monoxide alarms, and other fire/life safety equipment including fire alarms and sprinklers, fire alarm control panels, knock boxes, emergency communication devices, and other associated life safety systems;

18 6. Other permits being applied for related to this proposed use including land use/critical area, electrical, health department, site development, or others;

19 7. Operations and security plan;

20 8. Emergency evacuation plan; and

21 9. Staff training plan.

22 **B. Feasibility inspection.**

23 A minimum of 30 days prior to submitting an application for a temporary shelter, the shelter operator shall schedule a pre-inspection of the facility with the Building Official, the Fire Code Official, and the TPU Chief Electrical Inspector, or their designees. The inspection shall determine if the building and/or area are suitable for the temporary shelter and identify work to be completed prior to occupancy.

24 Exception: Shelters to be operated for a period less than 30 days may schedule the pre-inspection a minimum of seven days prior to submitting their application.

25 C. Pre-occupancy inspection. After work is completed and the permit application is approved, the Building Official and Fire Code Official, or their designees, shall conduct an inspection to verify life safety systems are in place and operational, and all requirements of the Temporary Shelter Permit have been met. Additional

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permits may be required for any proposed modification, whether permanent or temporary, to mechanical, electrical, plumbing, building, or fire elements or systems, or any onsite or offsite infrastructure or signage.

1 D. Permit renewal/annual inspection. If the temporary shelter is in operation for more than one year, the  
2 Temporary Shelter Permit applicant shall submit an application for an annual permit renewal. As part of the  
3 annual permit renewal, an annual inspection shall be conducted by the Building Official and Fire Code  
4 Official, or their designees, to verify continued compliance with the requirements of the permit and any  
5 additional provisions which may need to be provided. Any deficiencies identified in this inspection shall be  
6 corrected prior issuance of the renewed permit.

7 City inspectors may perform other inspections during periods of shelter operation and shall be allowed full  
8 access to the shelter area and adjacent vicinities. When possible, inspections will be scheduled to minimize  
9 disruptions to shelter activities and shelter residents.

#### 10 **2.21.430 Permit expiration or revocation.**

11 A. Permit expiration. Temporary shelter permits are authorized for no longer than one year. Provided no  
12 significant changes are made in the operation of the shelter, the permit may be renewed annually for up to  
13 four additional consecutive years, provided the following are met:

14 1. The building has not fallen into a state of disrepair;

15 2. Fire-life safety systems and mechanical and electrical systems are maintained; and

16 3. The shelter is not under an enforcement action under TMC 2.01, Minimum Buildings and Structures Code.

17 After five years of consecutive operation, a new application for a temporary shelter may be submitted subject  
18 to the approval of the Fire Code Official and Building Official.

19 B. Permit Revocation. The Building Official and/or Fire Code Official are authorized to suspend or revoke a  
20 permit issued under the provisions of this chapter wherever the permit is issued in error or on the basis of  
21 incorrect, inaccurate, or incomplete information, or in violation of any ordinance or regulation of this or any  
22 other city, state or federal codes.

#### 23 **2.21.500 Shelter capacity and staffing.**

24 The 500 section contains requirements for shelter capacity and staffing, including the following:

25 2.21.510 Maximum shelter capacity.

26 2.21.520 Temporary shelter staff.

#### 27 **2.21.510 Maximum shelter capacity.**

28 The maximum number of allowable temporary shelter residents shall be calculated using a factor of one  
29 individual for every 35 square feet of room area. Increases to shelter capacity may be permitted as approved  
30 by the Building Official and Fire Code Official, or their designees.

31 Temporary shelters shall be limited to a maximum capacity of 99 residents, and shall be required to be  
32 located on a level(s) of exit discharge.

33 Exceptions:

34 1. Buildings that are equipped with a fire sprinkler system and where the shelter spaces are located within one  
35 story of a level of exit discharge.

36 2. Where shelter spaces are located within buildings constructed of unreinforced masonry, a structural  
37 evaluation of the building shall be required where shelter capacity will exceed 99 persons. The structural  
38 evaluation of the building shall evaluate whether the building meets the lateral and vertical force requirements  
39 set forth in TMC 2.01, Minimum Building and Structures Code. If the building does not meet the required  
40 force requirements, retrofits will be required to the extent that it is in compliance with TMC 2.01  
41 requirements. In addition, all parapets and exterior walls along public ways shall be braced for seismic loads.

#### 42 **2.21.520 Temporary shelter staff.**

43 Whenever the temporary shelter is occupied with residents, trained staff with assigned responsibilities shall  
44 be present and awake at a ratio of staff-to-resident of not less than 1:50 for buildings not equipped with an  
45 approved automatic fire sprinkler system, and 1:100 for buildings equipped with an automatic fire sprinkler  
46 system. Where the shelter sleeping areas are separated from each other, a higher staff-to-resident ratio may be  
47 required by the Building Official and Fire Code Official.



1 The temporary shelter operator shall provide in the Operations Plan a Point of Contact staff person to be  
2 onsite and available at all times during shelter operation. A revised Operations Plan shall be provided to the  
3 Building Official and Fire Code Official prior to any changes of Point of Contact(s). The Point of Contact  
4 staff person(s) shall be an adult, be present and awake at all times, be equipped with a flashlight, and have  
5 immediate access to a phone. This duty can be shared by more than one adult; however, this must be clearly  
6 defined in the shelter's Operations Plan.

3 **2.21.600 Life-safety requirements.**

4 The 600 section contains life-safety requirements, including the following:

4 2.21.610 Egress requirements.

5 2.21.620 Hazard evaluation and separation from hazards.

5 2.21.630 Smoke and fire protection.

6 2.21.640 Electrical requirements.

6 **2.21.610 Egress requirements.**

7 A. Exit location and exit access. The shelter shall be located on a level of exit discharge and must be clearly  
8 defined in the shelter facility plan submitted with the Temporary Shelter Permit application.

8 Exception: The shelter may be located no more than one level above or below a level of exit discharge if the  
9 building is equipped throughout with an automatic fire sprinkler system. Exit access travel distance shall not  
10 exceed 250 feet for a building equipped throughout with an automatic fire sprinkler system and 200 feet  
11 without a sprinkler system. Common path of egress travel shall not exceed 75 feet unless approved by the  
12 Building Official and Fire Code Official.

11 B. Number of Exits. Exits within the temporary shelter shall comply with the following requirements:

12 1. All stories within a temporary shelter area shall have a minimum of two means of egress (exits) from each  
13 story.

13 2. Shelter sleeping rooms on a level of exit discharge with less than 10 residents shall have at least one exit  
14 and, where the sleeping rooms are provided as separate rooms, from the rest of the story, shall have at least  
15 one window qualifying as an emergency escape and rescue window.

14 Exception: Buildings equipped with a fire sprinkler system are not required to have an emergency escape and  
15 rescue window.

15 3. Shelter sleeping rooms that are located on stories above or below the level of exit discharge shall have two  
16 exits from any room. The exits serving the room shall be separated by a distance equal to at least one-third of  
17 the longest diagonal distance of the room.

17 **C. Emergency Lighting.**

18 1. Exits and exit access doors shall be marked with an exit sign readily visible from any direction of egress  
19 travel. In addition, the path of travel to exits and within exits shall be marked by readily visible exit signs to  
20 clearly indicate the direction of egress travel where the direction of egress travel is not immediately visible to  
21 the occupant.

20 2. Exit signs shall be illuminated at all times by either electrically powered self-luminous, or photo  
21 luminescent signs listed and labeled in accordance with UL 924. Backup power in the form of batteries, unit  
22 equipment, or an onsite generator is required for exit signs that are electrically powered.

21 3. Every exit sign and directional exit sign shall have lettering and illumination in conformance with the most  
22 recently adopted City of Tacoma Building Code requirements.

22 4. Exit paths shall be unobstructed and exit doors shall be maintained to be readily openable at all times  
23 without the use of a key or special knowledge or effort.

23 5. Sleeping rooms that exit only to a hallway shall be provided with at least one working flashlight when  
24 occupied.

24 6. The path of exit travel shall be illuminated at a minimum of one-foot candle.

25 **2.21.620 Hazard evaluation and separation from hazards.**

26 A. Hazard evaluation. The Building Official and Fire Code Official, or their designees, shall evaluate the  
27 hazards associated with the proposed temporary shelter use in the building and compare it to the hazards



1 associated with the existing use. Any increased hazard shall be addressed as either identified in this chapter or  
2 as additional mitigation that may be required by the Building Official during the application and inspection  
3 process. Criteria to be evaluated in the comparison of hazards may include, but is not limited to, the  
4 following:

5 1. Location on the property and location of nearest fire hydrants;

6 2. Adjacent or interior building uses;

7 3. Systems for egress and exiting;

8 4. Fire resistive properties of building walls and ceilings;

9 5. Fire protection systems and equipment;

10 6. Hazards associated with building structures and/or plumbing and mechanical systems;

11 7. Presence of combustible materials in the shelter area; and

12 8. Presence of any other hazardous materials in or near the shelter area.

13 B. Separation from hazards. The shelter must be adequately separated from any hazards to the residents per  
14 the requirements as follows:

15 1. The shelter cannot be located in a building that includes any H occupancies.

16 2. The shelter may be located in a building that is also being occupied by S and/or F occupancies provided the  
17 building is equipped with an automatic fire sprinkler system.

18 3. The shelter may be located in a building that is also being occupied by A, B, E, I, M, and R occupancies,  
19 provided the shelter is meets all other requirements of this chapter.

20 4. Combustible materials, including refuse containers, shall be kept to a minimum and evaluated for any  
21 potential hazard by the Building Official and Fire Code Official, or their designees.

22 5. Any quantities of combustible materials in the areas used for sleeping and egress, and areas that are  
23 atmospherically connected, shall be subject to inspection and approval onsite by the Building Official and  
24 Fire Code Official, or their designees.

25 6. Except for warming of pre-cooked food, no cooking is allowed within the shelter unless performed in a  
26 kitchen equipped with an approved hood and duct. Outdoor cooking equipment shall be kept a reasonable  
27 distance away from the shelter.

28 7. There shall be no open flames, smoking, incense, or candles within the shelter. Designated smoking areas  
29 are permitted as regulated by Washington State law.

30 Exceptions (where under the control or supervision of shelter staff):

31 a. Listed central heating equipment or cooking appliances.

32 b. Small open flame devices used for the warming of food in serving trays or chafing dishes.

33 c. Open flame candles used for religious purposes when in conformance with the provisions of the City of  
34 Tacoma Fire Code.

### 35 **2.21.630 Smoke and fire protection.**

36 The Shelter Operations Plan shall address the response plan to smoke and carbon monoxide alarms or other  
37 life safety equipment, and the maintenance of such equipment. Specific requirements for this equipment are  
38 provided in this section.

39 A. Smoke and carbon monoxide alarms. All shelter sleeping areas shall be provided with either  
40 interconnected smoke alarms or a complete smoke detection system. Smoke alarms may be battery operated,  
41 and can be interconnected wirelessly. Each room used for sleeping and any hallways or other spaces between  
42 the sleeping room and the shelter egress shall be provided with an approved smoke alarm and carbon  
43 monoxide alarm. Other shelter spaces shall be provided with smoke alarms that are also interconnected with  
44 sleeping area smoke alarms. Smoke alarms shall be spaced using NFPA 72 spacing requirements for smoke  
45 detectors.

46 Exception: Where sleeping areas are not separated and are located in one room, smoke alarms and carbon  
47 monoxide alarms are not required to be interconnected. Spacing of alarms shall be provided per NFPA 72  
48 spacing requirements for smoke detectors, with a maximum of 30 foot by 30 foot per smoke alarm.





1 B. Fire Watch. Buildings that are not equipped throughout with an automatic sprinkler system and monitored  
2 fire alarm system with occupant notification shall be required to have a Fire Watch. The Fire Watch position  
3 must be served by a trained staff person who has a high degree of familiarity with the building layout and  
4 emergency egress routes in the event of an emergency, and has the authority to conduct an emergency  
5 evacuation of the building in the event of an emergency. The Fire Watch must be maintained at all times  
6 when the facility is housing residents, and shall maintain a daily log indicating that staff has inspected the  
7 premises for fire on 30 minute intervals. If approved by the Building Official and Fire Code Official, or their  
8 designees, the Fire Watch may also serve a dual role as the Point of Contact person for shelter staffing.

9 C. Fire Extinguishers. A 2A10BC fire extinguisher shall be located within five feet of each required exit,  
10 within five feet of any appliances used to warm food, and within 75 feet of all other areas within the shelter.  
11 Additional extinguishers may be required for specific hazards as outlined in the International Fire  
12 Code Section 906.

#### 13 **2.21.640 Electrical requirements.**

14 New or modified electrical equipment within the existing building or structure shall be in conformity with the  
15 provisions of TMC 12.06A, Electrical Code; and the Tacoma Power Customer Service Policies. Existing  
16 electrical equipment must also meet these code requirements for the purpose served within the temporary  
17 shelter. Verification of conformity to these code requirements may be required by the Building or Fire Code  
18 Official, or their designees, with the application for the shelter or at the annual inspection for permit renewal.  
19 The layout and use of extension cords and other outlet modifications must be approved by the Building  
20 Official and Fire Code Official, or their designees.

#### 21 **2.21.700 Emergency Evacuation Plan.**

22 All temporary shelters shall create and maintain an emergency evacuation plan addressing the evacuation of  
23 all residents, staff, and visitors to the shelter in the event of an emergency. The shelter evacuation plan must  
24 be posted at each exit, and all new shelter residents shall be given orientation training, which includes  
25 familiarization with the emergency evacuation plan. The shelter operator shall provide a copy of the  
26 evacuation plan to each shelter resident. A daily registration and total count of all shelter residents shall also  
27 be available for Fire Department rescue purposes.

28 At a minimum, the emergency evacuation plan shall contain the following:

29 A. Shelter Floor Plans. Floor plans for each floor being used as temporary shelter with the sleeping rooms and  
30 all other adjacent spaces clearly identified.

31 B. Room Size. The square footage of the rooms used as sleeping rooms and the use of adjacent rooms.

32 C. Egress Path. A plan to show egress from the proposed sleeping spaces to the exterior of the building; along  
33 with egress for all assembly areas and other spaces used as part of the shelter.

34 D. Life-Safety Systems. A floor plan showing the location of fire extinguishers, fire alarm pull stations, or  
35 emergency communication devices.

#### 36 **2.21.800 Lighting, heat, ventilation, water, and sanitation.**

37 The Shelter Operations Plan shall address the how lighting, heat, ventilation, water, and sanitation will be  
38 provided and maintained for the shelter residents. Adequate lighting, heat, ventilation, potable water, and  
39 sanitation in compliance with applicable requirements of WAC 246-360 shall be provided. In addition, the  
40 Shelter Operations Plan shall also address management, collection, and disposal of other waste and debris  
41 generated by the shelter and shelter residents.

42 Exceptions:

43 1. Bottled water may be provided in lieu of a municipal water system for potable water.

44 2. For existing buildings and structures that are unheated or semi-heated spaces, approved portable or other  
45 temporary heating and cooling devices may be used to heat or cool the space; however, the minimum heating  
46 temperature set forth in WAC 246-360 may be modified in extreme temperatures where technically infeasible  
47 as approved by the Building Official. Measures to heat the building during periods of extreme temperatures  
48 shall also be addressed in the Operations Plan.

49 A. Specific Requirements for Restrooms and Bathing Facilities. Restrooms and bathing facilities shall be  
50 provided for the shelter residents. The shelter residents shall be provided a minimum of one toilet, one



lavatory for each 25 residents, or fraction thereof, and one shower or tub for each 50 residents, or fraction thereof.

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Exceptions:

1. Portable toilets, handwashing stations, and showers can be provided in lieu of a municipal sewage system for existing buildings and structures not equipped with such facilities.

2. Where the shelter will be operational for fewer than 30 consecutive days, bathing facilities are not required.

3. Where bathing facilities are available within 500 feet of the shelter, or transportation is provided to bathing facilities for shelter residents, bathing facilities are not required.