



Legislation Passed November 27, 2018

The Tacoma City Council, at its regular City Council meeting of November 27, 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. 40168

A resolution appointing individuals to the City Events and Recognitions Committee and the Tacoma Arts Commission.

[Doris Sorum, City Clerk; Bill Fosbre, City Attorney]

Resolution No. 40169

A resolution authorizing an increase to the contract with H W Lochner Inc., in the amount of \$85,395, plus applicable taxes, for a total of \$1,548,831, budgeted from the Transportation Capital Fund, for construction support assistance on the Puyallup River Bridge project - Specification No. PW16-0221F.

[Chris Storey, P.E., Project Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 40170

A resolution authorizing an increase to the contract with Irwin Seating Company, in the amount of \$8,428.80, plus applicable taxes, for a total of \$642,162.43, budgeted from the Tacoma Venues and Events Theaters Maintenance Fund, for additional chairs and seating fabric.

[Sue O'Neill, Assistant Division Manager; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 40171

A resolution authorizing the use of up to \$2,000 of City Council Contingency Funds, for expenses related to traffic control devices for the 2018 6th Avenue Santa Parade; and directing the City Manager to negotiate and execute an agreement outlining the scope of work and deliverables for the funding.

[Council Members Hunter, McCarthy, and Ushka]

Ordinance No. 28560

An ordinance amending Chapter 2.01 of the Municipal Code, relating to the Minimum Building and Structures Code, to allow the City to pursue receivership of private properties which are derelict or unfit.

[Keith Williams, Code Inspection Supervisor; Linda Stewart, Director, Neighborhood and Community Services]

Ordinance No. 28561

An ordinance amending Title 2 of the Municipal Code, relating to Buildings, to allow for annual permit fee adjustments tied to the Consumer Price Index, and other minor changes.

[Peter Huffman, Director, Planning and Development Services]



RESOLUTION NO. 40168

1 BY REQUEST OF MAYOR WOODARDS AND COUNCIL MEMBERS McCARTHY
2 AND THOMS

3 A RESOLUTION relating to committees, boards, and commissions; appointing
4 individuals to the City Events and Recognitions Committee and the
5 Tacoma Arts Commission.

6 WHEREAS vacancies exist on the City Events and Recognitions
7 Committee and the Tacoma Arts Commission, and

8 WHEREAS, at its meeting of November 13, 2018, the Economic
9 Development Committee conducted interviews and recommended the
10 appointment of an individual to the City Events and Recognitions Committee, and

11 WHEREAS, at its meeting of November 13, 2018, the Economic
12 Development Committee also conducted interviews and recommended the
13 appointment of individuals to the Tacoma Arts Commission, and

14 WHEREAS, pursuant to the City Charter Section 2.4 and the Rules,
15 Regulations, and Procedures of the City Council, the persons named on
16 Exhibit "A" have been nominated to serve on the City Events and Recognitions
17 Committee and Tacoma Arts Commission; Now, Therefore,

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

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21 That those nominees to the City Events and Recognitions Committee and
22 the Tacoma Arts Commission, listed on Exhibit "A," are hereby confirmed and
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1 appointed as members of such commission and committee for such terms as are
2 set forth on the attached Exhibit "A."
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4 Adopted _____
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6 Mayor

7 Attest:
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9 City Clerk

10 Approved as to form:
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12 City Attorney
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EXHIBIT "A"

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CITY EVENTS AND RECOGNITIONS COMMITTEE

Appointing **Kate Rhoades** to the "At-Large No. 2" position to fill an unexpired term to expire June 30, 2021.

TACOMA ARTS COMMISSION

Appointing **Anna Holcomb** to the "At-Large No. 8" position to serve a three-year term, effective January 1, 2019, to expire December 31, 2021.

Appointing **Heide Fernandez-Llamazares** to the "Professional No. 3" position to serve a three-year term, effective January 1, 2019, to expire December 31, 2021.

Appointing **James Stowe** to the "Professional No. 4" position to serve a three-year term, effective January 1, 2019, to expire December 31, 2021.

Appointing **Sarah Woodson** to the "Working Professional Artist" position to serve a three-year term, effective January 1, 2019, to expire December 31, 2021.



RESOLUTION NO. 40169

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. 4600011796 with H W Lochner Inc., in the amount of \$85,395, plus
4 applicable taxes, for a cumulative total of \$1,548,831, budgeted from the
Transportation Capital Fund, for construction support assistance on the
Puyallup River Bridge project, pursuant to Specification No. PW16-0221F.

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. 4600011796 with H W Lochner Inc., in the amount of
19 \$85,395, plus applicable taxes, for a cumulative total of \$1,548,831, budgeted from
20 the Transportation Capital Fund, for construction support assistance on the
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1 Puyallup River Bridge project, pursuant to Specification No. PW16-0221F,
2 consistent with Exhibit "A."

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4 Adopted _____

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6 _____
7 Mayor

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9 Attest:

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11 _____
12 City Clerk

13 Approved as to form:

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15 _____
16 City Attorney

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RESOLUTION NO. 40170

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. 4600013293 with Irwin Seating Company, in the amount of \$8,428.80,
4 plus applicable taxes, for a cumulative total of \$642,162.43, budgeted from
the Tacoma Venues and Events Theaters Maintenance Fund, for additional
chairs and seating fabric.

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."
16

17 Section 2. That the proper officers of the City are hereby authorized to
18 increase Contract No. 4600013293 with Irwin Seating Company, in the amount of
19 \$8,428.80, plus applicable taxes, for a cumulative total of \$642,162.43, budgeted
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1 from the Tacoma Venues and Events Theaters Maintenance Fund, for additional
2 chairs and seating fabric, consistent with 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. 40171

1 BY REQUEST OF COUNCIL MEMBERS HUNTER, McCARTHY AND USHKA

2 A RESOLUTION authorizing the use of City Council Contingency Funds, in an
3 amount up to \$2,000, for expenses related to traffic control devices for the
4 2018 6th Avenue Santa Parade; and directing the City Manager to
5 negotiate and execute an agreement outlining the scope of work and
6 deliverables for the funding.

7 WHEREAS, whenever a special event produced by our community partners
8 to promote their Neighborhood Business District requires a street closure, the
9 City-issued Special Event Permit dictates the number of traffic control devices
10 required pursuant to an approved traffic control plan, and

11 WHEREAS, currently, event producers are responsible for acquiring traffic
12 barriers and associated costs for these events, and

13 WHEREAS, because of the economic and community development benefits
14 of these events, it is in the best interests of the City to provide financial assistance
15 for the rental of traffic control devices for key events so the events can continue to
16 take place, and

17 WHEREAS, on June 5, 2018, at the request of the Cross District
18 Association ("CDA"), the City Council adopted Resolution No. 40025, authorizing
19 the use of City Council Contingency Funds for traffic control devices for the
20 Neighborhood Business Districts Special Events Program Pilot ("Program Pilot"), to
21 provide funding to assist with five events organized by Neighborhood Business
22 District Associations that are members of the CDA, and
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WHEREAS the Santa Parade, which begins at State Street and 6th Avenue and ends at Alder Street and 6th Avenue, is a successful annual event for the 6th Avenue Business District, and

WHEREAS the event requires a Special Event Permit which dictates the number of traffic control devices required for its approved Traffic Control Plan, and

WHEREAS, while the parade takes place in the 6th Avenue Business District, this event was not included in the Program Pilot, and

WHEREAS the cost of traffic control for the Santa Parade is estimated to be approximately \$1,800, and

WHEREAS, at the November 20, 2018, Study Session, Council Member Hunter shared a Council Consideration Request to authorize the one-time use of City Council Contingency Funds, in an amount up to \$2,000, for expenses related to traffic control devices for the 2018 6th Avenue Santa Parade, and

WHEREAS City staff will negotiate and execute an agreement for services, outlining the scope of work and deliverables for the City's contribution, and

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 need for funding related to traffic control devices for the 2018 6th Avenue Santa Parade could not have been foreseen or reasonably evaluated at the time the City adopted its biennial budget, and



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

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

Section 1. That one-time funding in an amount up to \$2,000, budgeted from the City Council Contingency Fund, is hereby approved for expenses related to traffic control devices for the 2018 6th Avenue Santa Parade.

Section 2. That the City Manager is hereby directed to negotiate and execute an agreement, outlining the specific use of the funds and the deliverables described in Section 1 above.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



ORDINANCE NO. 28560

1 AN ORDINANCE relating to the building code; amending Chapter 2.01 of the
2 Tacoma Municipal Code, the Minimum Building and Structures Code, to
3 allow the City to pursue receivership of private properties which are
4 derelict or unfit.

5 WHEREAS the City has approximately 350 derelict or unfit building cases
6 at any given time, and the presence of these properties in neighborhoods
7 contributes to residents feeling unsafe and the general perception that the
8 neighborhood is blighted, and

9 WHEREAS current legislation tools limit the actions that the City is able to
10 take with regard to resolving these issues, and

11 WHEREAS, when the buildings are uninhabitable and reach "unfit" status,
12 the City is able to seek demolition of the building, if necessary, but the asset
13 often sits for an average of two years before being returned to productive use,
14 and

15 WHEREAS staff is recommending amendments to Tacoma Municipal
16 Code ("TMC") 2.01, the Minimum Building and Structures Code, to allow the City
17 to pursue receivership of these derelict or unfit properties through a court
18 process, pursuant to RCW 7.60, which will provide additional tools to address
19 the blight created by these properties; Now, Therefore,
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BE IT ORDAINED BY THE CITY OF TACOMA:

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

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

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2.01.050 Administration and Process.

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

* * *

- D. Substandard and Derelict Building Enforcement Procedures.

* * *

7. Alternate Procedures.

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

- i. The Building Official may obtain the property through eminent domain pursuant to the provisions of the RCW 35.80A.
- ii. The Building Official may initiate Unfit Building Proceedings pursuant to Tacoma Municipal Code 2.01.050.F and Table C.
- iii. The Building Official shall require the property to be registered with the City as outlined in the registration requirements in Section E.

iv. The Building Official may petition the superior court to order the property into receivership in accordance with RCW 7.60 and thereby recover from the property the reasonable necessary expenses of abating the violations and returning the property to productive use.

* * *

- F. Unfit Buildings or Structures Enforcement Procedures.

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5. Contents of Unfit Building Complaints.

* * *

- b. The complaint shall contain, among other things, the following information:
 - i. Name of the owner and other interested persons, as provided herein above.
 - ii. Street address and legal description of the property on which said building is located.
 - iii. General description of type of building, wall, or structure deemed unfit.
 - iv. A complete itemized statement or list of particulars which caused the building or structure, or portion thereof, to be classified as an unfit building or structure.
 - v. That said building should be vacated by its occupants.



- vi. Whether or not the list of violations can be removed or repaired.
- vii. Whether or not the building constitutes a fire hazard.
- viii. Whether it is reasonable to repair the building or whether the building should be demolished.
- ix. That the City may petition the superior court to order the property into receivership in accordance with RCW 7.60 to return the property to productive use.
- x. If the building is a City landmark or is within a Historic Special Review or Conservation District, the complaint shall provide the procedural requirements of the Landmark Preservation Commission for repair or demolition.
- xi. A notice that a hearing shall be held before the Hearing Examiner not less than ten calendar days nor more than 30 calendar days after the mailing of such complaint on all interested parties, as recorded by the Pierce County Auditor, and posted in a conspicuous place on the property. The notice shall also state that all parties in interest shall be given the right to file an answer to the complaint, to appear in person or otherwise, and to give testimony at the time of the hearing.
- xii. That a copy of such complaint shall also be filed with the Pierce County Auditor, which filing shall have the same force and effect as other lis pendens notices provided by law.
6. Unfit Building Hearing.
- a. The Hearing Examiner shall convene the hearing at the time specified in the Unfit Building Complaint or soon thereafter. The hearing shall be conducted in accordance with 1.23 TMC and the Hearing Examiner's rules.
- b. The Hearing Examiner shall issue a Findings of Fact and Order. The Findings of Fact and Order shall contain the following:
- i. Name of owner or other interested parties, as listed by the Pierce County Auditor.
- ii. Street address and legal description of the property on which the building is located.
- iii. General description of type of building, wall, or structure deemed unfit or substandard.
- iv. A complete itemized statement of the violations in Table C which resulted in the classification of the building or structure as unfit.
- v. Whether or not the violations as outlined in Table C structure can be removed or repaired.
- vi. Whether or not the building constitutes a fire hazard.
- vii. A statement that the City of Tacoma has incurred costs in processing the Unfit Building Abatement action and that pursuant to RCW 35.80.030(1)(h), all costs incurred by the City for this purpose, including demolition, repair, or receivership, ~~if~~ as necessary, shall be assessed against the property and shall be collected thereafter by the County Treasurer as a part of the general taxes.
- viii. Whether the building is a City landmark or is within a Historic Special Review or Conservation District and the procedures required by the Landmarks Preservation Commission.
- ix. In the event the building is a City landmark or is within a Historic Special Review or Conservation District, the time schedule shall include Landmark Preservation Commission procedures defined in Tacoma Municipal Code 13.05.045, unless an emergency condition has been declared by the Building Official. In addition, a building, structure, or property that is declared unfit may be required to comply with the requirements set forth in Title 13 of the Tacoma Municipal Code. There may be reason to negotiate repairs due to the historic significance of the property. If a building is a City landmark or located within a Historic Special Review or Conservation District, or is determined to be a historic resource by the Landmarks Preservation Commission or Historic Preservation Office, the repair requirements may be waived by the Building Official.
- x. A requirement that the property shall be nuisance-free at all times.
- xi. The order shall provide specific instructions on whether the building or structure is to be demolished, repaired, or maintained, and a timeframe for doing so. When it is determined that a building or structure, or any aspect of a building or structure, is unfit, such building or structure shall be:
- (a) Demolished, or



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

(1) Exiting facilities, including doors, corridors, stairs, exit enclosures, and smoke-proof enclosures, shall be brought into full compliance with the Building Code. Stairways with risers not exceeding 7-1/2 inches in height and treads not less than 10 inches in depth, which are in good condition and otherwise meet the Building Code's requirements, do not have to be rebuilt.

(2) The fire resistance of all building elements, in regard to the required type of construction, shall be brought into full compliance with the Building Code; provided that, in buildings which have full sprinkler systems, the outside fire-resistive membrane on exterior walls may not be required.

(3) If required by the Building Code or by the Fire Prevention Code, automatic fire sprinkler systems shall be installed.

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

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

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

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

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

db. The Findings of Fact and Order shall be sent to all interested parties, as listed by the Pierce County Auditor as having interest in the property, by both first-class mail, and by certified mail, return receipt requested, and posted in a conspicuous place on the property.

e. If the Hearing Examiner affirms that the building is unfit, the Building Official may petition the superior court to order the property into receivership in accordance with RCW 7.60 and thereby recover from the property the reasonable necessary expenses of abating the violations and returning the property to productive use.

fe. Appeals to the Board of Building Appeals. The Findings of Fact and Order shall also state that appeal of the Findings of Fact and Order issued by the Hearing Examiner shall be made to the Board of Building Appeals, as established and governed by Chapter 2.17 of the Tacoma Municipal Code. Appeals shall be filed within 30 calendar days from the date of the Findings of Fact and Order. Any appeal of the Findings and Order shall be governed by Chapter 2.17 of the Tacoma Municipal Code.

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ORDINANCE NO. 28561

1 AN ORDINANCE relating to building permit fees; amending Title 2 of the Tacoma
2 Municipal Code, "Buildings," to allow for annual permit fee adjustments tied
3 to the Consumer Price Index, and other minor amendments; and declaring
4 an effective date.

5 WHEREAS the Department of Planning and Development Services ("PDS")
6 transitioned from a General Fund Department to a fee-for-service based Enterprise
7 Fund in 2010, and has since focused on providing effective and fiscally sustainable
8 permit services, and

9 WHEREAS, in 2015, PDS conducted a fee study to develop fees supporting
10 the full cost of services, transitioned to a new permitting software system in 2016
11 that enabled staff to capture the work effort associated with permits, and worked in
12 parallel with the Master Builders Association of Pierce County to improve permit
13 services related to single-family and duplex construction, and

14 WHEREAS, in addition, the City Council established the Permit Advisory
15 Task Force to work on efficiencies to improve services and develop sustainable
16 fees to support these services, and

17 WHEREAS phase one of the new fee structure was adopted on April 17,
18 2018, pursuant to Resolution No. 39987, and became effective in June 2018; and
19 phase two of the new fee structure is proposed to become effective January 1,
20 2019, and

21 WHEREAS, in addition to residential fees, PDS is proposing to implement
22 new fees for other permits and services identified in the fee study that were below
23 full cost recovery, or where there were no charges for services, and
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WHEREAS this proposed amendment to Title 2 of the Tacoma Municipal Code (“TMC”) would authorize the City Manager to update annual permit fee based on the Consumer Price Index (“CPI”), and make other minor changes, in alignment with the PDS Financial Policy, and

WHEREAS fee adjustments are necessary for PDS to provide sustainable permit services, and

WHEREAS staff is recommending that the proposed amendments to TMC Title 2 be approved to enable PDS to meet its level of services commitments and ensure a fiscally sustainable permitting system, and

WHEREAS the estimated increase in funding from the proposed permit fee adjustments is \$2,422,000 for the 2019-2020 Biennium; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Title 2 of the Tacoma Municipal Code, entitled “Buildings,” is hereby amended as set forth in the attached Exhibit “A.”

Section 2. That this ordinance shall become effective on January 1, 2019.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

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2.02.090 Amendment to IBC Section 105.2 – Work exempt from permit.

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²).
2. Fences not over 7 feet (1829 mm) high.
3. Oil derricks.
4. Retaining walls which are not over four feet (1219 mm) in height, measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids. A Fence supported by a retaining wall shall be considered a surcharge.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18,925 L) and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade and on grade concrete patios with an ~~aggregate area~~ cumulative impact not exceeding 2,000 Sq. Ft. (185.81 sq-M), provided they are not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
8. Temporary motion picture, television, and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18,925 L), and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings in Group R-3 and U occupancies supported by an exterior wall which do not project more than 54 inches (1372mm) from the exterior wall and do not require additional support.
13. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height. Electrical: See TMC Chapter 12.06A.

* * *

Plumbing:

1. The stopping of leaks in drains, water, soil, waste, or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste, or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
 2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.
- 105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Building Official.
- 105.2.2 Repairs. Application or notice to the Building Official is not required for ordinary repairs to structures, replacement of lamps, or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition, or



portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring, or mechanical or other work affecting public health or general safety.

~~105.2.3 Public service agencies. A permit shall not be required for the installation, alteration, or repair of generation, transmission, distribution, or metering, or other related equipment that is under the ownership and control of public service agencies by established right.~~

~~105.2.4 City of Tacoma Projects and Department of Transportation Projects. A permit shall not be required for the construction of roads, highways, freeways, and other structures related to such construction, including, but not limited to, grading, excavation, filling, paving, construction of bridges and pedestrian overpasses, drainage, power, water, and channelization, constructed by or under contract to the City of Tacoma, or the Washington State Department of Transportation.~~

~~Exceptions:~~

- ~~1. Buildings and other structures not normally included in road or highway construction shall require building and other construction permits.~~
- ~~2. Road or in right of way construction caused by development on private property shall require permits as required for the type of work.~~
- ~~3. Work in the right of way undertaken as the responsibility of the owner of abutting property, including, but not limited to, off-site improvements as required within Section 2.19.~~

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2.09.010 Purpose.

The purpose of this section is to establish the fee code for permit services provided by Planning and Development Services (“PDS”) and shall be herein referred to as the Fee Code. This Fee Code establishes the types of fees to be charged for providing these services and methodology for calculating those fees. Fee amounts shall be ratified by Resolution, or approved by the City Manager, or designee, under the limited authority granted in TMC 2.09.020, and shall be calculated pursuant to the PDS Fee Schedule (on file in Tacomapermits.org). The fee schedule includes administrative/processing fees, permit and plan review fees, and inspection fees as applicable for building/mechanical/plumbing permits, land use permits, site development and right-of-way permits, and preapplication and other special permit services.

The payment of fees pursuant to this Chapter does not preclude the assessment of other applicable fees. Permit fees for fire permits are in TMC Chapter 3.09, and permit fees for electrical and water service permits are on file in the Customer Service Policies for Power and Water.

2.09.020 Adjustments.

Fees will be evaluated and adjusted as needed on an annual basis in accordance with the PDS Financial Policy. The City Manager, or designee, is delegated limited authority to approve the following:

1. Annual adjustments to the PDS Fee Schedule shall be adjusted using the “Seattle-Tacoma-Bremerton, WA Consumer Price Index (CPI) for All Urban Consumers.” In January of each year, the CPI for the year end shall be compared with the most recent June-to-June index comparison, and the fees and charges shall be adjusted accordingly. Permit fees adjusted by the CPI will be rounded to the nearest \$0.50 for fees under \$10, to the nearest \$1 for fees between \$10 and \$100, and to the nearest \$10 for fees greater than \$100. Total permit fees due at issuance will be rounded to the nearest dollar.

~~Additional adjustments may be made or new fees may be added as necessary to recover the costs to perform the work in the interim period between annual adjustments. All other Annual adjustments to or new fees shall be ratified by Resolution.~~

2.09.030 Fee refunds and exemptions.

A. Fee refunds.

1. Permit fees. In the event of abandonment or discontinuance of work, a refund of certain portions of permit fees may be approved subject to the following:



- 1 a. A written request is made by the Permit Applicant.
- 2 b. The period of time since the permit was issued is less than 180 days.
- 3 c. The work approved to date does not present negative visual, health, safety, environmental, or fiscal impacts
- 4 to adjacent
- 5 properties or the neighborhood.
- 6 d. The permit has not been revoked by the Building Official.
- 7 e. The following charges shall be deducted from any fee amount that may be refunded:
- 8 (1) Dedicated fund charges including the Technology Fund, Emergency Preparedness Fund, Natural
- 9 Resources Fund, and Reserve Fund, and
- 10 (2) State Building Code fee and other applicable sales taxes and charges, and
- 11 (3) Metered parking charges, where applicable, and
- 12 (4) Minimum Counter Transaction fee per the PDS Fee Schedule, or
- 13 (5) Twenty-five percent of the permit fee as calculated from the PDS Fee Schedule, whichever is greater.
- 14 2. Plan Review Fees. In the event of abandonment or discontinuance of work, or as otherwise approved, a
- 15 refund of a portion of the plan review fee may
- 16 be approved subject to the following:
- 17 a. The period of time since the permit application has been submitted is less than 180 days.
- 18 b. Review of the permit has not started.
- 19 c. The following charges shall be deducted from any fee amount that may be refunded:
- 20 (1) Dedicated fund charges, including the Technology Fund, Emergency Preparedness Fund, Natural
- 21 Resources Fund, and Reserve Fund, and
- 22 (a) State Building Code fee and other applicable sales taxes and charges, and
- 23 (b) Metered parking charges, where applicable, and
- 24 (c) Minimum Counter Transaction fee per the PDS Fee Schedule, or
- 25 (d) Twenty-five percent of the plan review fee as calculated from the PDS Fee Schedule, whichever is greater.
- 26 d. Where the PDS Director has approved a refund for either all or a portion of the plan review fee for a new commercial building permit upon the applicant's submittal of a refund request in accordance with PDS' Fast, Friendly, or Free guarantee.

2.19.030 Site development.

A. Standards

The standards for testing listed below are adopted standards in addition to the standards in IBC Chapter 35, which was adopted by reference at TMC 2.02.010.

- 1. ASTM D 1556, In-Place Density of Soils by the Sand-Cone Method
- 2. ASTM D 2167, In-Place Density of Soils by the Rubber-Balloon Method
- 3. ASTM D 2922, In-Place Moisture Content of Soils by Nuclear Methods
- 4. ASTM D 2937, In-Place Density of Soils by the Drive-Cylinder Method
- 5. ASTM D 3017, In-Place Density of Soils by Nuclear Methods

B. Permits Required

- 1. Permits Required. Except as specified in subsection 2.19.030.B.3, no person shall do any grading and/or clearing in the City of Tacoma without first having obtained a Clearing and Grading permit from the Building Official Site Development Permit.
- 2. Application. Application for a clearing and grading Site Development ~~Permit~~ shall be accompanied by plans and, as applicable, specifications, and shall conform to the provisions of IBC Section 106. In addition, the application shall state the estimated quantities of excavations, fills, grubbing, and relocation of soil in



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cubic yards and the area to be graded or cleared in square feet. Prior to plan submittal the applicant shall determine whether the proposed project is located in a Critical Area as governed by TMC 13.11 and so state on the permit application.

3. Clearing and Grading Prohibited. No permits to perform grading and/or clearing during the period from October 1st through April 30th shall be issued.

EXCEPTION: ~~The Building Official~~ Planning and Development Services may approve a grading, and clearing plan, prepared by a civil engineer which is designed in accordance with the Recognized Engineering Practices that address surface water runoff during the winter season (October 1 to April 30), and issue a permit based on such plan.

4. Exempted Work. A grading and clearing permit is not required for the following unless such work is in a Critical Area governed by TMC Chapter 13.11; however, all such work is subject to application of the Recognized Engineering Practices to mitigate the anticipated conditions:

a. Grading, to include grubbing, less than 50 cubic yards or an area not to exceed 7,000 square feet, whichever is less, performed in a 2 year period unless part of a building addition or new building construction.

b. All clearing less than one acre in area meeting at least one of the following:

i. Activities in preparation for site surveying, or other associated work. This does not permit grubbing or activities that cause soil disturbance.

ii. Clearing within ten feet of the perimeter of buildings.

iii. General property and utility maintenance, landscaping, or gardening in pre-existing developed land.

c. An excavation below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation, or exempt any excavation having an unsupported height greater than five feet after the completion of such structure, or exempt any grading over 50 cubic yards.

d. Refuse disposal sites controlled by other regulations.

e. Hazardous waste remediation under the jurisdiction of other agencies.

f. Excavation on private property for wells, or tunnels, ~~or utilities~~. Backfill is also exempt, provided it is not transported off site, or the backfill is not imported from off-site. Other filling with the material from such excavation requires a permit. This does not exempt the Contractor from being required to follow Recognized Engineering Practices.

g. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay where local regulation is pre-empted by state or federal law. Such operations shall follow Recognized Engineering Practices and be in compliance with the COTSWMM.

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