

TITLE 9

Public Ways

Tacoma Municipal Code

TITLE 9

PUBLIC WAYS

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CHAPTER 9.02
BANNERS OVER STREETS

Sections:

- 9.02.010 Permit required.
9.02.020 Authority to issue.
9.02.030 Application for permit.
9.02.040 Regulations and conditions of permit.
9.02.050 Violation – Penalty.

9.02.010 Permit required.

It is unlawful for any person, firm or corporation to erect or maintain any street banner or decoration over or across the roadway portion of any public street or alley except when authorized by a special temporary street banner permit issued pursuant to a proper application and subject to the other conditions and regulations herein stated.

(Ord. 15468 § 1; passed Nov. 7, 1955)

9.02.020 Authority to issue.

The City Manager is authorized to issue a special temporary street banner permit for the temporary erection of street banners or decorations used to advertise or promote projects of community or sectional or regional fairs or celebrations, Christmas decorations, projects of community clubs, or other affairs that may be of interest to the entire City or a substantial portion thereof.

(Ord. 15468 § 2; passed Nov. 7, 1955)

9.02.030 Application for permit.

Before any special temporary street banner permit shall be issued, the applicant shall file an application for the same with the Director of Public Works, together with a detailed plan of the proposed street banner showing its location, size, height above roadway, materials of construction, size of supporting cables and anchors and the proposed wording and/or display of the banner; provided, however, that a special temporary street banner permit may be issued for the erection of Christmas or similar decorations without a detailed plan when a general description of the decorations and their method of support is filed with the application.

Before any special temporary street banner permit shall be issued, the applicant must file with the Director of Public Works a public liability insurance policy issued by a company authorized to do business in the State of Washington, insuring the applicant and the City of Tacoma and guaranteeing the payment of any final judgment up to the amount of \$100,000.00 for injury to or death of any one person, and up to the amount of \$300,000.00 for injury or death to more than one person, and up to the amount of \$5,000.00 for property damage, that may be rendered against the insured for injury, death or damage arising out of any one accident or occurrence caused by the erection or maintenance of such street banner or decoration. The policy must contain evidence of premium payment and be approved as to form by the City Attorney and thereafter forwarded by him to the Director of Finance for safekeeping.

The application shall be forwarded to the City Manager with the recommendation of the Director of Public Works stated thereon. The City Manager shall review the application and recommendation and thereafter shall issue or deny the permit.

(Ord. 15468 § 3; passed Nov. 7, 1955)

9.02.040 Regulations and conditions of permit.

Any special temporary street banner permit issued pursuant to this chapter shall be subject to the following regulations, in addition to any specially recommended by the Director of Public Works after studying the plan:

- A. Such street banners or decorations shall not advertise or promote the sale of any product or commodity.
- B. The street banners or decorations shall be erected and maintained with a minimum clearance of 20 feet from the road below.

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C. The street banners or decorations shall not interfere with the clear view of any traffic light or traffic control sign or device.

D. A special temporary street banner permit shall be valid only for a period of 15 days following the date of issuance, provided, however, that the City Manager may extend the time an additional 15 days if inspection indicates that the original installation of the banner and the condition of the banner are safe for continued use.

E. Such street banners shall be constructed of a good grade of canvas or similar material that will not stretch or distort out of shape. They shall be supported by steel cables of sufficient size to safely support a wind load of 30 pounds per square foot of exposed area. Such cable shall be anchored to supports of sufficient strength to safely carry the loads imposed. They shall not be anchored to any fire escape, existing sign, utility pole, window frame or parapet wall.

(Ord. 15468 § 4; passed Nov. 7, 1955)

9.02.050 Violation – Penalty.

Any person who shall violate or fail to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding \$300.00 or by imprisonment in the County Jail for a term not exceeding 90 days or by both such fine and imprisonment.

(Ord. 15468 § 5; passed Nov. 7, 1955)

CHAPTER 9.04

REPEALED

COASTING ON STREETS AND SIDEWALKS

*Repealed by Ord. 25602
(Ord. 25602 § 1; passed Oct. 11, 1994)*

CHAPTER 9.06

REPEALED

GASOLINE PUMPS ON CURBS

*Repealed by Ord. 25603
(Ord. 25603 § 1; passed Oct. 11, 1994)*

CHAPTER 9.08
RIGHT-OF-WAY OCCUPANCIES¹

Sections:

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

9.08.010 Definitions.

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

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

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

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

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

1. Each antenna is located inside an antenna enclosure of no more than three (3) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of not more than three (3) cubic feet; and
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 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.

(Ord. 28503 Ex. A; passed May 1, 2018; Ord. 28501 Ex. A; passed Apr. 10, 2018; Ord. 27941 Ex. A; passed Nov. 9, 2010; Ord. 22857 § 1; passed Jan. 18, 1983; Ord. 21035 § 1; passed Apr. 5, 1977)

¹ Streets - Obstructions and Excavations - See Chapter 10.22.

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9.08.020 Written Permission Required.

A. It is unlawful for anyone to use any public right-of-way for private purposes without written 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.

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.

(Ord. 28503 Ex. A; passed May 1, 2018; Ord. 28501 Ex. A; passed Apr. 10, 2018; Ord. 21035 § 1; passed Apr. 5, 1977)

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.

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

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

(Ord. 28501 Ex. A; passed Apr. 10, 2018)

9.08.024 Nonconforming Development.

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

(Ord. 28501 Ex. A; passed Apr. 10, 2018)

9.08.026 Blanket permits for Neighborhood Districts.

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

(Ord. 28501 Ex. A; passed Apr. 10, 2018)

9.08.030 Application – Information required.

When required, 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:

- A. An accurate description of the public place or portion thereof desired to be used as herein specified;
- B. The use desired to be made of such public place by the applicant;
- C. The plans and specifications for any utility or structure desired to be constructed, erected, or maintained by the applicant in or on a public place; and
- D. If the request is to construct an areaway, fuel opening, sidewalk elevator or door or other subsurface use of said right-of-way, a certificate of title or other document or indicia of title showing the applicant to be the owner of the premises abutting the public right-of-way where the subsurface use or improvement is to be conducted or constructed.
- 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 TMC and Chapter 90.58 RCW. The compliance with the provisions of Chapter 13.10 may be required prior to the issuance of a permit pursuant to this chapter.
- F. If the request is a small cell facility, the following information shall be provided:
 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.
 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.
 3. A signed statement indicating that such installation, repair, operation, upgrading, maintenance, and removal of antenna(s) by the wireless communication provider shall be lawful and in compliance with all applicable laws, orders, ordinance, and regulations of federal, state, and local authorities having jurisdiction.
 4. A signed statement that the applicant agrees to remove the facility within one year of abandonment.
 5. Cover Sheet containing:
 - a. Correct project location.
 - b. Clear project description.
 6. A Radio-Frequency (RF) report demonstrating compliance with FCC Standards.
 7. Site Plan, including any new vaults proposed.
 8. Elevation Sheet showing:
 - a. Location of Node ID sticker (low contrast colors) and RF warning sticker. Show RF warning sticker facing out to the street and near antenna, or away from the street and near antenna if no window within 50 feet.
 - b. Indicate height to top of pole, antenna, top and bottom of equipment enclosures.
 - c. Show any existing or proposed guy wires.
 - d. Show equipment enclosures.
 - e. Show other elements, such as NEMA, PBX, or J boxes, ground bus bars, and base plate mounts.
 - f. Show offset (distance) of equipment cabinets from pole.

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9. Photo Simulations showing:

- a. Antenna configuration and cabling and equipment sizes, offsets (cabinets from pole)
- b. RF warning and node identification stickers, if visible from given perspectives
- c. Perspectives that provide a true sense of distance to nearest residential windows or primary facades of historic buildings.

(Ord. 28503 Ex. A; passed May 1, 2018; Ord. 28501 Ex. A; passed Apr. 10, 2018; Ord. 21035 § 1; passed Apr. 5, 1977)

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 may 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 reviewing City Departments determine that the proposed use of such public place will not unreasonably limit or encroach upon the public's right to travel upon the right-of way, or the ancillary right to occupy the 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, or their designee, may impose such reasonable conditions as are required to meet the standards set forth in this chapter and to protect the paramount rights-of-way for travel and to protect the safety of the traveling public, and other public purposes.

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).

(Ord. 28503 Ex. A; passed May 1, 2018; Ord. 28501 Ex. A; passed Apr. 10, 2018; Ord. 21035 § 1; passed Apr. 5, 1977)

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.

C. 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.

G. 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.

3. When an alternative to Section F.2 above is requested, the antenna(s) may be offset up to, but no more than, 12 inches.
4. If utilizing a top-mount, the antenna may not exceed the diameter of the pole or 16 inches, whichever is greater.
5. The antenna(s) must not extend more than 10 feet above an existing pole
6. If the antenna(s) are mounted on a new pole, the total height of pole and antenna(s) combined may not exceed 45 feet.

H. 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.

I. 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.

(Ord. 28503 Ex. A; passed May 1, 2018)

9.08.050 Indemnity deposit on approved applications for permit.

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

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

(Ord. 28501 Ex. A; passed Apr. 10, 2018; Ord. 21035 § 1; passed Apr. 5, 1977)

9.08.060 Indemnity to save the City harmless from claims.

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

Operations Liability

Premises/Completed Operations Liability

Owner's and Contractor's Protective Liability

Blanket Contractual Liability

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

(Ord. 28501 Ex. A; passed Apr. 10, 2018; Ord. 22857 § 2; passed Jan. 18, 1983; Ord. 21035 § 1; passed Apr. 5, 1977)

9.08.070 Revocation of permits and removal of development.

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

If any such structure, obstruction, use, or occupancy is not discontinued on notice to do so by the Director of 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 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.

(Ord. 28501 Ex. A; passed Apr. 10, 2018; Ord. 22865 § 1; passed Jan. 18, 1983; Ord. 21035 § 1; passed Apr. 5, 1977)

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 the 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

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

* 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

Commercial Occupancy - Exclusive Use (based on square footage occupied)	10% of Assessed Land Value*
Commercial Occupancy - Non-exclusive Use (based on square footage occupied)	5% of Assessed Land Value*
Subsurface Use (based on square footage occupied)	2.5% of Assessed Land Value*
Minimum Annual Commercial Occupancy Fee (for commercial occupancies, unless exempted herein)	\$120
Small Cell Facility when subject to Pole Attachment Agreement**	No Fee
Sidewalk Cafés (subject to annual renewal fee only – annual permit to be posted onsite)	None

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* 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.

SPECIFIC USE FEES

Signs – Annual Fee

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

Monitoring Wells – Annual Fee

One well	\$175
Each additional well	\$150

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

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

Section 1. 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.

(Ord. 28503 Ex. A; passed May 1, 2018; Ord. 28501 Ex. A; passed Apr. 10, 2018; Ord. 28301 Ex. A; passed Jun. 30, 2015; Ord. 27941 Ex. A; passed Nov. 9, 2010; Ord. 27451 § 1; passed Jan. 3, 2006; Ord. 22865 § 2; passed Jan. 18, 1983)

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 Planning and Development Services Department 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 permittee.

(Ord. 28501 Ex. A; passed Apr. 10, 2018; Ord. 21035 § 1; passed Apr. 5, 1977)

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.

(Ord. 28501 Ex. A; passed Apr. 10, 2018; Ord. 21035 § 1; passed Apr. 5, 1977)

CHAPTER 9.10
MOVING BUILDINGS

Sections:

- 9.10.010 Permit required.
- 9.10.020 Authorized building movers – Definition.
- 9.10.030 Permits – Special requirements.
- 9.10.040 Hours and days of movements.
- 9.10.050 Equipment.
- 9.10.060 Escort vehicles – Requirements.
- 9.10.070 Warning signs and devices.
- 9.10.080 Violation – Penalty.

9.10.010 Permit required.

It shall be unlawful for any person, firm, or corporation to move any building or structure over or along any street or alley in the City of Tacoma without first having obtained a permit to do so from the Director of Public Works.

(Ord. 24238 § 1; passed Nov. 29, 1988)

9.10.020 Authorized building movers – Definition.

Said permit to move any building or structure shall only be issued to authorized building movers. An authorized building mover is defined as any individual or organization which has:

- A. Obtained a valid contractor’s license in the State of Washington;
- B. Furnished to the City of Tacoma, Department of Public Works, Buildings Division, a surety bond, approved by the City’s Risk Manager, in the amount of \$10,000.00. Action against the bond will be taken if the permit holder fails to complete the move as specified in the permit;
- C. Furnished to the City of Tacoma, Department of Public Works, Buildings Division, proof of possession of, and agreement to maintain, a comprehensive general liability insurance policy in the amount of no less than \$500,000.00 combined single limit for personal injury and property damage coverage, per occurrence. Such insurance shall provide: Premises/operations liability, owner’s and contractor’s liability, products/completed operations liability, broad form property damage, personal injury, automobile liability for all vehicles owned and operated, and shall include the City of Tacoma as an additional insured. Such insurance shall be primary to and non-contributing with any insurance maintained by the City of Tacoma, shall contain a severability of interest provision in favor of the City of Tacoma, and shall include an express waiver of subrogation in favor of the City of Tacoma. A certificate of insurance evidencing compliance with the foregoing shall be provided to the City of Tacoma before a permit is issued, and coverage shall be effective during the dates of the permit;
- D. Signed a hold harmless agreement, which the City of Tacoma will furnish, stating that the permit holder shall be fully liable and responsible for accident, damage, or injury to any property or person resulting from activity done under the authority of an over-legal-size building moving permit. In addition, the permit holder shall indemnify the City of Tacoma, its officers, agents, and employees against any and all claims, demands, loss, injury, damage actions, and costs of actions which they, both individually and severally, may sustain by reason of unlawful acts, conduct, or operations covered by the permit.

(Ord. 24238 § 1; passed Nov. 29, 1988)

9.10.030 Permits – Special requirements.

No less than three working days in advance of the proposed move of a house or building, the mover shall submit an application for permit to the Traffic Engineering Division of the City of Tacoma Public Works Department. Such application shall include:

- A. Present location of the building to be moved.
- B. Proposed location building is being moved to.
- C. The building permit number, if the building is to be located within the City of Tacoma.

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D. Proposed route over which the load is to be moved.

E. Dimensions of the load or equipment when loaded or road ready.

F. Vehicle description and license plate numbers for each vehicle, dolly, and/or trailer used.

G. Evidence of notification to all public and private utility companies, including railroad companies, having facilities over, along or across the proposed route of travel, which may be in conflict with or endangered by the load. Such notification shall be given to a responsible member of each company at least 24 hours before the proposed move. The responsible person's name, position, company name, and phone number, and the date and time called must be recorded on the permittee's copy of the permit prior to moving.

H. Evidence of notification to the Tacoma Police Department, Fire Department and Traffic Signal Division of the Department of Public Works of the time, date, dimensions, and route of the move. Contact's name, department, and phone number, and time and date of contact, must be recorded on the permittee's copy of the permit prior to moving.

(Ord. 24238 § 1; passed Nov. 29, 1988)

9.10.040 Hours and days of movements.

The following restrictions will be observed on movements of all over-legal-size loads within the City of Tacoma, except with written permission from the Chief, Traffic Engineering Division of the Department of Public Works.

A. Building moves will be allowed only in daylight hours (one-half hour before sunrise to one-half hour after sunset).

B. Building moves will not be allowed on legal holidays observed by the City of Tacoma.

C. Building moves will not be allowed on arterial streets in the City of Tacoma during peak hour traffic (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.).

D. Building moves will not be allowed if, at the discretion of the Chief of Engineering Division, inclement weather, including but not limited to snow, ice, or fog, could create unsafe operating conditions.

E. In case of any conditions adverse to the City, the Traffic Engineering Division reserves the right to restrict movement of any over-legal-size load in the City of Tacoma at any time.

F. Any changes in moving dates or times from those set forth in the permit application must be cleared by the Traffic Engineering Division of the Department of Public Works.

(Ord. 24238 § 1; passed Nov. 29, 1988)

9.10.050 Equipment.

Equipment used in transporting over-legal-size loads will be inspected and certified annually by the City of Tacoma's Road Use Compliance Officer, and shall meet the following requirements:

A. All equipment must comply with the requirements as set forth in Chapter 11.16 of this Code, "Equipment and Inspection."²

B. All trucks and dollies shall be licensed and covered by insurance as required by the State of Washington.

C. In case of equipment failure, insufficient power, or insufficient braking capabilities involving vehicles which move buildings, the Traffic Engineer or his representative may call for outside assistance, at the mover's expense, to continue the move.

D. Tire and axle loading shall comply with Washington State Motor Vehicle load limits.

E. Any equipment which breaks down and causes undue delay, or any equipment breakdown which occurs frequently, is just cause for the Traffic Engineering Division of the City of Tacoma Department of Public Works to rule against further use of such equipment. Such condemned equipment shall not be used until repaired by mover and inspected and approved by the Traffic Engineering Division.

F. Personnel who are riding on top of over-legal-size load to be moved, responsible for handling overhead wiring, shall at all times wear rubber gloves which are in good condition and are capable of withstanding high voltages of at least 10,000 volts.

² Code reviser's note: Chapter 11.16 was repealed by Ord. 25208.

G. A ladder of a length to reach the top of over-legal-size load will be available on every move.

H. Blocks capable of holding the unit being moved shall be carried and, in the case of winching operations, shall be kept close to the downhill side of the wheels of each dolly to prevent runaway should the cable slip.

I. Every tow vehicle shall carry at all times an approved first aid kit.

J. Every tow vehicle shall carry at all times a minimum of 10 emergency fuses.

(Ord. 24238 § 1; passed Nov. 29, 1988.)

9.10.060 Escort vehicles – Requirements.

Front and rear escort vehicles shall be furnished by the permit holder or subcontractor and shall meet the following requirements:

A. Escort vehicles may be a four-passenger car or two-axle truck, and shall be fully licensed in the State of Washington and be in safe operating condition as outlined in Chapter 11.16 of this Code, entitled “Equipment and Inspection.”¹

B. Escort vehicles shall be of such design as to provide the driver clear and unobstructed vision, both front and rear.

C. Escort vehicle operators shall be properly licensed and have sufficient experience to operate the vehicle.

D. Escort vehicle operators and ground escort personnel shall have in their possession a current and valid Washington State Flagging and Traffic Control card, and shall wear an orange protective vest as outlined in WAC 296-155-305.

E. Front and rear escort vehicles will travel at such reasonable distance from the building being moved as to insure the maximum security to the traveling public.

F. All escort vehicles and towing vehicles shall be equipped with working two-way radios, subject to the approval of the Traffic Engineering Division of the Department of Public Works.

(Ord. 24238 § 1; passed Nov. 29, 1988.)

9.10.070 Warning signs and devices.

Warning signs and devices shall meet the following requirements:

A. An “oversized load” sign at least six feet long, with black letters 10 inches high and one inch wide on yellow background, shall be mounted above the cab of the towing vehicle and on the rear of the trailer unit.

B. An “oversized load” sign, as described above, shall be mounted above the roof line of each escort vehicle, a minimum of five feet from the roadway surface, measured from the bottom of the sign.

C. “Oversized load” signs, when mounted for use, shall not interfere with required lighting.

D. Such signs will be displayed only when the unit is in transit and must be removed or retracted at all other times.

E. Oversized loads shall display the prescribed 144-square-inch red-colored flag on each corner.

F. Escort vehicles shall display either two six-inch diameter flashing amber lights or a single rotating flashing beacon mounted above the roof line and plainly visible. The amber lights shall meet SAE Standard Specifications (SAE J595b), “Flashing Warning Lamps for Authorized Emergency, Maintenance, and Service Vehicles.” These amber lights will operate at all times during movement of over-legal-size loads.

G. Police escort may be required for over-legal-size loads, at the discretion of the Traffic Engineering Division of the Department of Public Works.

H. When uniformed off-duty law enforcement officers act as escorts, using official police cars or motorcycles, the preceding escort car requirements shall still be applicable.

(Ord. 24238 § 1; passed Nov. 29, 1988)

9.10.080 Violation – Penalty.

Any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding \$1,000.00 or by imprisonment for not more than six

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months, or by both such fine and imprisonment. Each instance when there is a violation or a failure to comply shall constitute a separate violation.

(Ord. 24238 § 1; passed Nov. 29, 1988)

CHAPTER 9.12 NUMBERING BUILDINGS

Sections:

- 9.12.010 Affixing street numbers – Designation, location and size.
- 9.12.015 Posting address numbers at entrance to a private road or driveway.
- 9.12.020 Numbering new and altered buildings.
- 9.12.030 Correcting erroneous numbers.
- 9.12.040 Unnumbered buildings and obliterated numbers.
- 9.12.050 Rear numbers.
- 9.12.060 Records of numbers assigned.
- 9.12.070 New Tacoma – System established.
- 9.12.080 New Tacoma – North and south streets.
- 9.12.090 New Tacoma – East and west streets.
- 9.12.100 New Tacoma – Blocks defined.
- 9.12.110 New Tacoma – Numbering.
- 9.12.120 New Tacoma – Designation of number.
- 9.12.130 New Tacoma – Designation of streets.
- 9.12.140 New Tacoma – Buildings to be numbered.
- 9.12.150 North end – System established.
- 9.12.160 North end – Base line north and south.
- 9.12.170 North end – Base line east and west.
- 9.12.180 North end – Lot numbers.
- 9.12.190 North end – Designation of number.
- 9.12.200 North end – Buildings to be numbered.
- 9.12.210 South end – System established.
- 9.12.220 South end – Base line north and south.
- 9.12.230 South end – Base line east and west.
- 9.12.240 South end – Lot numbers.
- 9.12.250 South end – Designation of number.
- 9.12.260 South end – Prefixes.
- 9.12.270 South end – Buildings to be numbered.
- 9.12.271 West end – System established.
- 9.12.272 West end – Designation of streets.
- 9.12.273 West end – Base line north and south.
- 9.12.274 West end – Base line east and west.
- 9.12.275 West end – Lot numbers.
- 9.12.276 West end – Designation of number.
- 9.12.277 West end – Buildings to be numbered.
- 9.12.280 Prospect Hill – System established.
- 9.12.290 Prospect Hill – Base line north and south.
- 9.12.300 Prospect Hill – Base line east and west.
- 9.12.310 Violation – Penalties.

9.12.010 Affixing street numbers – Designation, location and size.

The owner, agent, occupant, lessee or tenant of any building or parts of a building in the City of Tacoma having an entrance fronting upon a public street shall maintain a street number thereof, as herein provided. Such number shall be displayed in a conspicuous place over or near the principal street entrance, entrances, door or gate in such a manner that it is easy to find and clearly visible from the street.

Each figure of said number shall be at least two inches in height and shall be of a color that will contrast with the background.

It shall be the duty of the Building Inspector to assign the correct street number as provided by Sections 9.12.070 through 9.12.300, upon the request of any owner, occupant or lessee. Such request shall be in writing and shall contain the legal description of the property upon which the building or premises is located, together with the location of the doors or entrances to be numbered.

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(Ord. 14706 § 1; passed Feb. 18, 1953)

9.12.015 Posting address numbers at entrance to a private road or driveway.

The owner or occupant of any residence, building, or place of business (except sheds and accessory buildings) which opens upon or has access to a street within the city shall place and maintain the correct and clearly visible address numbers in a conspicuous location upon the main entrance or at the principal place of ingress to such residence, building, or place of business. Knowing failure to place or maintain the correct and clearly visible address numbers in such a location shall constitute a misdemeanor.

(Ord. 24659 § 1; passed Jun. 19, 1990)

9.12.020 Numbering new and altered buildings.

Upon the completion of a building or buildings or the alterations thereto changing the entrances, it shall be unlawful for the owners, agents, occupants, tenants or lessee to assign or place any number thereon unless the same shall have been officially designated by the Building Inspector, and application must be made at the office of said Building Inspector for such designation.

(Ord. 14706 § 2; passed Feb. 18, 1953)

9.12.030 Correcting erroneous numbers.

In cases where incorrect numbers have been placed and remain or shall hereafter be placed on any house or building, the owner, agent, occupant, tenant or lessee shall, upon notification of the error by the Building Inspector, correct the number within 10 days after official notification.

(Ord. 14706 § 3; passed Feb. 18, 1953)

9.12.040 Unnumbered buildings and obliterated numbers.

In cases where an entrance to a house or other building has an entrance which is unnumbered, or where said house, building or part thereof may have been numbered and the number since lost, destroyed, or defaced so as to be unintelligible, the owner, agent, occupant, tenant or lessee shall cause said house, building or part thereof to be numbered in accordance with the official notification of the Building Inspector.

(Ord. 14706 § 4; passed Feb. 18, 1953)

9.12.050 Rear numbers.

In cases where houses or buildings have rear entrances opening on an alley (streets not included) or private driveway, the numbers assigned for the front or principal entrance may be displayed on said rear entrance, garage or gate for the convenience of service men, delivery men and other persons.

(Ord. 14706 § 5; passed Feb. 18, 1953)

9.12.060 Records of numbers assigned.

An accurate record of street numbers assigned shall be kept in the office of the Building Inspector. This record shall be kept on a map or maps designated for that purpose.

(Ord. 14706 § 6; passed Feb. 18, 1953)

9.12.070 New Tacoma – System established.

There shall be and is hereby established a uniform system of numbering all houses, stores, and other buildings (except sheds and outhouses) erected or to be erected within the limits of all that part of the City originally known as “New Tacoma,” according to the plat thereof filed in the office of the Auditor of Pierce County, and all additions thereto which have been or may hereafter be laid out to conform to the same.

(Ord. 158 § 1 and 2; passed Apr. 4, 1887)

9.12.080 New Tacoma – North and south streets.

The initial point or base line for numbering buildings on lots fronting upon streets or avenues running north and south, or in a northerly and southerly direction, shall be Division Avenue, assumed as zero, and from said initial point or base line, south or in a southerly direction, the number of the street, in hundredths running east and west or in an easterly and westerly direction, north of the block or blocks fronting thereon, shall be and is hereby constituted the base or representative number for buildings in the block or blocks south of and fronting upon such street. And from said initial point or base line, north or in a northerly direction, the number of the street, in hundredths, running east and west or in an easterly and westerly direction south of the block or blocks fronting thereon, shall be and is hereby constituted the base or representative number for buildings in the block or blocks north of and fronting upon such street.

(Ord. 158 § 3; passed Apr. 4, 1887)

9.12.090 New Tacoma – East and west streets.

The initial point or base line for numbering buildings on lots fronting upon streets and avenues running east and west or in an easterly and westerly direction, shall be “A” Street assumed as 100, and from said initial point or base line east or west or in an easterly or westerly direction, the number 100 shall be and is hereby constituted the base or representative number for buildings in the first block or series of blocks fronting upon said “A” Street or base line, and the base or representative number shall increase in the ratio of 100 for each successive block or series of blocks east or west of said “A” Street or base line.

(Ord. 158 § 4; passed Apr. 4, 1887)

9.12.100 New Tacoma – Blocks defined.

For the purpose of this chapter, a block or series of blocks shall be known and designated as the distance from one street to another, except as hereinafter provided, that is to say: West from said “A” Street or base line the distance from “A” Street to Pacific Avenue shall constitute the first series of blocks; from Pacific Avenue to “C” Street, the second series; from “C” Street to “D” Street, the third series; from “D” Street to “E” Street, the fourth series; from “E” Street to Tacoma Avenue or “F” Street, the fifth series; from Tacoma Avenue or “F” Street to “G” Street, the sixth series, and so on in the same manner to the westerly limits of the City, provided, however, that blocks fronting upon South Nineteenth Street, from Pacific Avenue to Adams Street, shall be included in the second series, and from Adams Street to “D” Street, in the third series; and blocks fronting on South Twenty-first Street from Pacific Avenue to “C” Street, in the second series; and from “C” Street to Jefferson or “D” Street, in the third series, and blocks fronting on South Twenty-third and South Twenty-fifth Streets, from “C” Street to Jefferson Street, shall be included in the third series; and blocks fronting on South Seventh, South Fifth, South Fourth, South Second Streets and Division Avenue, from Cliff Avenue to “C” Street, shall be included in the second series; and blocks fronting upon Division Avenue, North First and North Second Streets, from Cliff Avenue to “E” Street, in the fourth series; and blocks fronting on North Fourth, Fifth, Sixth, Seventh, Eighth and Ninth Streets, from Cliff Avenue to “C” Street, shall be included in the second series. East from said “A” Street or base line, the distance from “A” Street to East “B” Street shall constitute the first series of blocks; from East “B” to East “C” Street, the second series, and so on in the same manner to the easterly limits of the City.

(Ord. 158 § 5; passed Apr. 4, 1887)

9.12.110 New Tacoma – Numbering.

South of Division Avenue, every lot, as provided in Section 9.12.120 hereof, shall be numbered consecutively from north to south; and north of Division Avenue, from south to north; the odd numbers on the east and the even numbers on the west side of streets and avenues running north and south or in a northerly and southerly direction. East of “A” Street every lot, as provided in Section 9.12.120 hereof, shall be numbered consecutively, from west to east; and west of “A” Street from east to west, the odd numbers on the north and the even numbers on the south side of streets and avenues running east and west or in an easterly and westerly direction.

(Ord. 158 § 6; passed Apr. 4, 1887)

9.12.120 New Tacoma – Designation of number.

Every lot having a frontage in any street or avenue of 25 feet or less shall have one number, and every lot having a frontage of over 25 feet shall have an additional number for each additional 25 feet frontage or fraction thereof.

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The base or representative number, as provided in Sections 9.12.080 and 9.12.090 hereof, added to the lot number, as herein and in Section 9.12.110 provided, shall constitute the number for the building on such lot.

(Ord. 158 § 7; passed Apr. 4, 1887)

9.12.130 New Tacoma – Designation of streets.

For convenience of location or address, all streets and avenues south of Division Avenue and west of “A” Street which run north and south or in a northerly and southerly direction shall be known and designated as South __ Street or Avenue, and all streets which run east and west or in an easterly and westerly direction shall be known and designated as South __ Street. All streets and avenues north of Division Avenue and Sixth Avenue which run north and south or in a northerly and southerly direction shall be known and designated as North __ Street, and all streets which run east and west or in an easterly and westerly direction shall be known and designated as North __ Street. All streets and avenues east of “A” Street which run north and south or in a northerly and southerly direction shall be known and designated as East __ Street or Avenue, and all streets which run east and west or in an easterly and westerly direction shall be known and designated as East __ Street.

(Ord. 24181 § 1; passed Aug. 30, 1988: Ord. 158 § 8; passed Apr. 4, 1887)

9.12.140 New Tacoma – Buildings to be numbered.

All houses or buildings now erected shall be numbered as herein provided and all houses or buildings hereafter erected shall be numbered before being occupied.

(Ord. 158 § 9; passed Apr. 4, 1887)

9.12.150 North end – System established.

There shall be and is hereby established a uniform system of numbering all houses, stores and other buildings (except sheds and outhouses) erected or to be erected within the limits of all that part of the City of Tacoma lying between Division and Sixth Avenues on the south and the limits of the City on the north, east and west, excepting that portion of the original town plat of New Tacoma lying within said district.

(Ord. 753 § 1 and 2; passed Oct. 26, 1892)

9.12.160 North end – Base line north and south.

The initial line for numbering buildings on lots fronting upon streets or avenues running north and south shall be Sixth Avenue. The base number assumed for Sixth Avenue shall be 600, and each block lying between streets parallel with Sixth Avenue shall be in a series of a hundred, having for its initial number the number of the street immediately south of said block. Thus, between Sixth Avenue and North Seventh Street, the series will be 600, between North Forty-first Street and North Forty-second Street, the series will be 4100.

(Ord. 753 § 3; passed Oct. 26, 1892)

9.12.170 North end – Base line east and west.

The initial base line for numbering buildings on lots fronting upon streets or avenues running east and west shall be Pine Street, and the continuation of said street north and south. The base number assumed for said line shall be 2900 and each block lying between streets parallel with said line shall be in a series of a hundred, having for its initial number the number of streets or blocks that the street immediately east of said block is away from the base line added to the base line number. Thus, between Pine and Chestnut Streets, the series will be 2900, between Chestnut and Cedar, the series will be 3000, between Cedar and Alder, the series will be 3100, and so on in the same manner to the limits of the City on the west.

(Ord. 753 § 4; passed Oct. 26, 1892)

9.12.180 North end – Lot numbers.

Every lot having a frontage on any street or avenue of 25 feet or less shall have one number, and every lot having a frontage of over 25 feet shall have an additional number for each additional 25 feet frontage or fraction thereof. Every lot fronting upon streets running north and south shall be numbered consecutively from south to north, the odd numbers on the east and the even

numbers on the west side of the streets. Every lot fronting upon streets running east and west shall be numbered consecutively from east to west, the even numbers on the south and the odd numbers on the north side of the streets; the first lot north or west of a street receiving the final figure “1” or “2”, as it shall be on the odd or even side of the street.

(Ord. 753 § 5; passed Oct. 26, 1892)

9.12.190 North end – Designation of number.

The base or initial number, as provided in Section 9.12.170, prefixed to the lot number, as provided in Section 9.12.180, shall constitute the number of the building on such lot.

(Ord. 753 § 6; passed Oct. 26, 1892)

9.12.200 North end – Buildings to be numbered.

All houses or buildings now erected shall be numbered, as herein provided, and all buildings hereafter erected shall be numbered before being occupied.

(Ord. 753 § 7; passed Oct. 26, 1892)

9.12.210 South end – System established.

There shall be and is hereby established a uniform system of numbering all houses, stores and other buildings (except sheds and outhouses) erected or to be erected within the limits of all that part of the City lying between Sixth Avenue and its continuations on the north, and the City limits on the west, south and east; excepting that portion of the City originally known as “New Tacoma,” and all the additions platted in conformity thereto of Northeast Tacoma and that part of the City of Tacoma lying south of the center line of South 19th Street and west on the center line of Orchard Street.

(Ord. 19694 § 1; passed Nov. 8, 1972: Ord. 774 § 1 and 2; passed Dec. 19, 1892)

9.12.220 South end – Base line north and south.

The initial base line for numbering buildings on lots fronting upon streets running north and south shall be Sixth Avenue. The base number assumed for Sixth Avenue shall be 600, and each block lying between streets parallel with Sixth Avenue shall be in a series of a hundred, having for its initial number the number of the street immediately north of said block. Thus, between Sixth Avenue and South Seventh Street, the series will be 600; between South Forty-seventh and South Forty-eighth Streets, the series will be 4700.

(Ord. 774 § 3; passed Dec. 19, 1892)

9.12.230 South end – Base line east and west.

The initial base line for numbering buildings on lots fronting upon streets or avenues running east and west shall be “A” Street. The base number assumed for “A” Street will be 100, and each block lying between streets parallel with said line shall be in a series of a hundred, having for its initial number the number of streets or blocks that the street immediately east of said block is away from the base line, added to the base line number, and provided that the series between South Park Avenue and “I” Streets shall be 600. Thus, between “A” and Pacific Avenue, the series will be 100, and between Pine and Sturgis Streets, the series will be 2900. East of “A” Street, the series will run in regular rotation and with the same provisions above mentioned. Thus, between “A” and East “B” Streets, the series will be 100; between East “F” and East “G” Streets, the series will be 600.

(Ord. 774 § 4; passed Dec. 19, 1892)

9.12.240 South end – Lot numbers.

Every lot having a frontage on any street or avenue of 25 feet or less shall have one number, and every lot having a frontage of over 25 feet shall have an additional number for each additional 25 feet or fraction thereof. Every lot fronting upon streets running north and south shall be numbered consecutively from the north to the south, the odd numbers on the east and even numbers on the west sides of the streets. Every lot fronting upon streets running east and west shall be numbered

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consecutively from the east to the west, the even numbers on the south and the odd numbers on the north sides of the streets; the first lot north or west of a street, receiving the final figure “1” or “2” as it shall be on the odd or even side of the street.

(Ord. 774 § 5; passed Dec. 19, 1892)

9.12.250 South end – Designation of number.

The base or initial number, as provided in Section 9.12.230 prefixed to the lot number, as provided in Section 9.12.240, shall constitute the number of the building on such lot.

(Ord. 774 § 6; passed Dec. 19, 1892)

9.12.260 South end – Prefixes.

For the convenience of location and address, the names of all streets and avenues south of Sixth Avenue and west of “A” Street shall be prefixed by the word “South”; e.g., South “M” Street, South Junett Street, etc. East of “A” Street, the word “East” shall be a prefix of the names of the streets and avenues which run north and south and the names of streets which run east and west; e.g., East Fifty-sixth Street, East Morton Street, East McKinley Avenue.

(Ord. 24181 § 2; passed Aug. 30, 1988; Ord. 774 § 7; passed Dec. 19, 1892)

9.12.270 South end – Buildings to be numbered.

All houses or buildings now erected shall be numbered as herein provided and all buildings hereafter erected shall be numbered before being occupied.

(Ord. 774 § 8; passed Dec. 19, 1892)

9.12.271 West end – System established.

There shall be and is hereby established a uniform system of numbering all houses, stores and other buildings (except accessory buildings) erected or to be erected within the city limits of all that part of the City of Tacoma lying south of the center line of South 19th Street and west of the center line of Orchard Street.

(Ord. 19694 § 2; passed Nov. 8, 1972)

9.12.272 West end – Designation of streets.

For convenience of location or address, all public rights-of-way lying south of the center line of South 19th Street and west of the center line of Orchard Street, running north and south or in a northerly and southerly direction, shall be known and designated as __ West. All City of Tacoma rights-of-way within said area running east or west or in an easterly or westerly direction shall be known and designated as __ Street West.

(Ord. 19694 § 2; passed Nov. 8, 1972)

9.12.273 West end – Base line north and south.

The initial base line for numbering buildings on lots fronting upon streets running north and south shall be the center line of South 19th Street. The base number assumed for South 19th Street shall be 1900, and each block lying between streets parallel with South 19th Street shall be in a series of a hundred, having for its initial number the number of the street immediately north of said block. Thus, between South 19th Street and 20th Street West, the series will be 1900; between 25th Street West and 26th Street West, the series will be 2500.

(Ord. 19694 § 2; passed Nov. 8, 1972)

9.12.274 West end – Base line east and west.

The initial base line for numbering buildings on lots fronting upon streets running east and west shall be Orchard Street. The base number assumed for Orchard Street will be 5100, and each block lying west of Orchard Street between streets parallel with said base line shall maintain a numbering system in conformance with the existing Pierce County numbering system.

(Ord. 19694 § 2; passed Nov. 8, 1972)

9.12.275 West end – Lot numbers.

Every lot having a frontage on any street or avenue of 25 feet or less shall have one number, and every lot having a frontage of over 25 feet shall have an additional number for each additional 25 feet or fraction thereof. Every lot fronting upon streets running north and south shall be numbered consecutively from the north to the south, the odd numbers on the east and the even numbers on the west sides of the streets. Every lot fronting upon streets running east and west shall be numbered consecutively from the east to the west, the even numbers on the south and the odd numbers on the north sides of the streets; the first lot north or west of a street shall receive the final figure “1” or “2” depending upon whether it shall be on the odd or even side of the street.

(Ord. 19694 § 2; passed Nov. 8, 1972)

9.12.276 West end – Designation of number.

The base or initial number, as provided in Section 9.12.274, prefixed to the lot number, as provided in Section 9.12.275, shall constitute the number of the building on such lot.

(Ord. 19694 § 2; passed Nov. 8, 1972)

9.12.277 West end – Buildings to be numbered.

All houses or buildings now erected shall be numbered as herein provided and all buildings hereafter erected shall be numbered before being occupied.

(Ord. 19694 § 2; passed Nov. 8, 1972)

9.12.280 Prospect Hill – System established.

There shall be and is hereby established a uniform system of numbering all houses and other buildings (except sheds and outhouses) erected or to be erected within the limits of Prospect Hill in the City of Tacoma.

(Ord. 3248 § 1; passed Feb. 27, 1908)

9.12.290 Prospect Hill – Base line north and south.

The initial base line for numbering buildings on lots fronting upon roadways running north and south on Prospect Hill shall be the north line of North 23rd Street, and the base number assumed for buildings on roadways running north and south shall begin with initial No. 1 on the east side of such roadways and continue in odd numbers; those on the west side shall begin with No. 2 and continue with even numbers for each lot or tract of land of a frontage of 25 feet.

(Ord. 3248 § 2; passed Feb. 27, 1908)

9.12.300 Prospect Hill – Base line east and west.

The initial base line for numbering buildings on lots upon roadways running east and west on Prospect Hill shall be East Road, Prospect Hill, and all buildings facing on roadways running east and west shall be numbered with initial No. 1 and continue in odd numbers on the north side of such roadways, and begin with No. 2 on the south side of such roadways and continue in even numbers, for each 25 feet frontage on said roadways.

(Ord. 3248 § 3; passed Feb. 27, 1908)

9.12.310 Violation – Penalties.

Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$300.00 or by imprisonment in the County Jail for a period not exceeding 90 days, or by both such fine and imprisonment.

(Ord. 14706 § 7; passed Feb. 18, 1953)

CHAPTER 9.14

REPEALED

RAILROAD TRAINS

Repealed by Ord. 28362

(Repealed by Ord. 28362 Ex. A; passed Jun. 7, 2016; Ord. 24446 § 1; passed Oct. 3, 1989;
Ord. 23003 § 1; passed Aug. 30, 1983)

CHAPTER 9.16

STREETS AND SIDEWALKS – KEEPING CLEAN AND UNOBSTRUCTED

Sections:

- 9.16.010 Depositing loose advertising matter.
- 9.16.015 Advertising – Merchandising – Trash containers.
- 9.16.020 Scattering debris from vehicle.
- 9.16.030 Building fires and mixing building materials.
- 9.16.040 Sweeping and washing sidewalks.
- 9.16.050 Removal of snow and ice.
- 9.16.051 Loading or Unloading on Sidewalks.
- 9.16.052 Damage to Sidewalks from Loading, Unloading or Transportation.
- 9.16.053 Permits.
- 9.16.060 Violation – Penalties.

9.16.010 Depositing loose advertising matter.

It shall be unlawful for any person, firm or corporation to distribute, throw or deposit upon any street, alley or public place, or in or upon any vehicle thereon, or upon any private yard, lawn driveway, sidewalk, porch or steps of any residence, or upon or in any part of any structure or upon any vacant property in the City of Tacoma, any advertising sample, handbill, dodger, circular, booklet, paper or loose advertising matter of any kind or description; provided, however, that nothing in this section shall prohibit the distribution and delivery of any newspaper which is capable of being entered as second class matter under the provisions of the United States Post Office regulations of March 3, 1879, and other United States statutes.

(Ord. 10697; passed Jun. 17, 1931: Ord. 6866 § 1; passed Oct. 2, 1918)

9.16.015 Advertising – Merchandising – Trash containers.

It shall be unlawful for any person to store, display, place, or cause or suffer to be stored, displayed or placed, any goods, wares, merchandise, or other articles or signs for purposes of sale, display, advertising or for any other purpose on any street, alley or sidewalk, including the space between the sidewalk and the street, curb or property line in the City of Tacoma, except while in the actual course of receipt or delivery thereof; provided, however, that the tenant or occupant of any ground floor room or store abutting upon a sidewalk may use and occupy such sidewalk for a distance of 18 inches immediately outside the property line for the display of goods, wares and merchandise and other articles; and provided further, where it is necessary to place garbage or trash containers upon a public sidewalk, alley or street to allow removal of such garbage and trash, such containers may be placed thereon for a reasonable period of time necessary for such removal; and further, excepting the use of said streets, alleys and sidewalks as may be otherwise specifically authorized by other City ordinances.

(Ord. 16609 § 1; passed Jun. 12, 1960)

9.16.020 Scattering debris from vehicle.

It is unlawful for any person, firm, or corporation to allow or cause to be allowed any tracking of debris over or along any public street or sidewalk by vehicles leaving their property. As used herein, the word “debris” includes, but is not limited to: mud, dirt, gravel, dust, wood, or building materials dropped by vehicles entering or exiting property adjacent to a public street or sidewalk.

(Ord. 23781 § 1; passed Feb. 17, 1987: Ord. 6866 § 2; passed Oct. 2, 1918)

9.16.030 Building fires and mixing building materials.

It is unlawful for any person to build a fire, slack lime, mix mortar, or place any sand or gravel, building material or other substances upon any sidewalk, street or alley in the City without first obtaining a permit so to do from the Director of Public Works. And whenever a fire is built or lime is slacked, or mortar is mixed, or sand or gravel or other like building material is deposited upon any sidewalk or paved streets, the same shall be done in such a manner as to prevent injury to such sidewalk or pavement and to prevent the materials from coming in contact therewith or being scattered thereon.

(Ord. 6866 § 3; passed Oct. 2, 1918)

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9.16.040 Sweeping and washing sidewalks.

It shall be the duty of the person having charge or control of any premises within the City to keep the walk or walks along the property in the street or streets adjacent thereto in a clean condition.

(Ord. 24239 § 1; passed Nov. 29, 1988; Ord. 6866 § 4; passed Oct. 2, 1918)

9.16.050 Removal of snow and ice.

It shall be the duty of every person having charge or control of any premises located within the City of Tacoma to remove or cause to be removed from the public walks along the side or in front of the premises all snow or ice which may have formed or been deposited therein within 24 hours after the same has fallen or been formed, and shall also cause such snow or ice to be removed from the gutter in front of such walk for a sufficient width to allow the water to run freely therein.

(Ord. 6866 § 5; passed Oct. 2, 1918)

9.16.051 Loading or Unloading on Sidewalks.

The loading or unloading of goods and commodities used or required in the ordinary course of business conducted in the building abutting any sidewalk is permitted when there is no other practical or convenient way of access to the building. All such loading and unloading shall be done in a continuously manner without utilizing the sidewalk, even temporarily, for storage, unless a special right-of-use permit has been obtained. During loading and unloading, an adequate portion of the sidewalk shall be kept open at all times for use by pedestrians.

(Substitute Ord. 28799 Ex. A; passed Feb. 7, 2023)

9.16.052 Damage to Sidewalks from Loading, Unloading or Transportation.

Anyone placing or transporting items on the sidewalks shall be responsible and liable for any damage to sidewalks resulting from their activities. The person or entity causing such damage shall promptly repair such damage and shall be responsible for ensuring that the sidewalk is safe for passage prior to completion of repair. This obligation applies to any sidewalk utilized by the person or entity, not only to the frontage of property they own or occupy.

(Substitute Ord. 28799 Ex. A; passed Feb. 7, 2023)

9.16.053 Permits.

Businesses that operate on Core Pedestrian Streets, as designated in the Tacoma Municipal Code, which have loading and unloading operations that utilizes equipment for palletized supplies or any other equipment deemed by the PDS Director to have the potential to cause damage to the pedestrian infrastructure shall be required to obtain a right-of-way use permit for this operation. This right-of-way use permit shall include a \$15,000 performance bond, and shall be conditioned to cover the liability of any entity providing loading operations to this business. This requirement shall not apply for businesses on Core Pedestrian Streets with loading or unloading operations that do not cross pedestrian facilities. This right-of-way use permit may be authorized for a period of 12 months and may be applied for on an annual basis.

Businesses, including those that operate on Core Pedestrian Streets, that obtain an annual right-of-use permit and performance bond may be authorized as a condition of their right-of-use permit to temporarily occupy the right-of-way for loading and unloading, provided that an adequate portion of the sidewalk is kept open at all times for use by pedestrians. However, the temporary occupancy shall not exceed one business day.

(Substitute Ord. 28799 Ex. A; passed Feb. 7, 2023)

9.16.060 Violation – Penalties.

Any person or entity violating any of the provisions hereof shall be subject to all penalties and enforcement processes in the Uniform Enforcement Code, Chapter 1.82 of the Tacoma Municipal Code.

(Substitute Ord. 28799 Ex. A; passed Feb. 7, 2023; Ord. 10697; passed Jun. 17, 1931; Ord. 6866; passed Oct. 2, 1918)

CHAPTER 9.17

PRIVATE USE OF STREET RIGHT-OF-WAY

Sections:

- 9.17.010 Street right-of-way – Duty of owner and/or occupant of property abutting public right-of-way.
 9.17.020 *Repealed.*
 9.17.030 Severability.

9.17.010 Street right-of-way – Duty of owner and/or occupant of property abutting public right-of-way.

A. Abuttor's Duty.

It shall be unlawful for the owner and/or any person, firm, or corporation occupying or having charge or control of any premises abutting upon any street, alley, or other public right-of-way within the City of Tacoma to cause or contribute to a physical condition of the public right-of-way by constructing, placing, causing, creating, maintaining, or permitting to remain upon any part of the right-of-way lying between the curb line or, if there is no curb line, then between the adjacent edge of the traveled portion of the street roadway and abutting property line, any thing, structure, or condition dangerous or hazardous to the use of the right-of-way by the public, including, but not limited to, the following:

1. Defective sidewalk surfaces, including, but not limited to, broken cement or stub-toes and depressions within or between sidewalk joints;
2. Defective cement surfaces placed adjacent to the public sidewalk or defects at the juncture between said cement surfaces and the public sidewalks, including stub-toes or depressions at the junction;
3. Defects in sidewalks or public ways caused or contributed to by the roots of trees located either on private adjoining property or on the planting strip portion of the street right-of-way;
4. Defective conditions caused by tree limbs, foliage, brush, or grass on or extending over public sidewalks;
5. Defective conditions on the planting strip area between the curb line and the sidewalk or, if there is no curb line, then between the edge of the traveled portion of the street and the sidewalk and between the sidewalk and the abutting property line;
6. Defects resulting from accumulation of ice and snow on public sidewalks or on the right-of-way between the curb line or, if there is no curb line, then between the adjacent edge of the traveled portion of the street roadway and the abutting property line;
7. Defects consisting of foreign matter on the public sidewalks, including, but not limited to, gravel and oil thereon;
8. Defective handrails or fences or other similar structures within or immediately adjacent to the right-of-way area;
9. Basketball hoops, bicycle ramps, skateboard ramps or other similar structures or obstructions within the right-of-way area.

B. Removal of Created Obstructions.

The City is authorized to remove structures or obstructions installed within the public right-of-way in violation of subsection 9.17.010.A.9 pursuant to the following procedure:

1. Procedure for Removal (Non-Emergency).

If, seven days after the City sends written notice and posts notice on the object or thing itself to remove such object or thing, the property owner and/or person, firm, or corporation occupying or having charge or control of any premises abutting upon any street, alley or other public right-of-way within the City of Tacoma (hereinafter referred to as the "owner") has not removed the object or thing, the City Engineer may seize and impound the same. Failure to remove constitutes abandonment and waiver by the owner of such obstruction.

2. Impoundment.

The seizure shall be made by the City Engineer, or under his/her direction by an employee of the City Public Works Department, or by any police officer. The person making such seizure shall take such object or thing and store, impound and detain the same at any City storage yard or building until the same is redeemed or sold. The City shall not be responsible for any damages to such object or thing during removal and/or storage.

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3. Auction.

If, after more than five days have elapsed since the seizing and impounding of any such object or thing, the same is not redeemed by and released to the owner by payment of costs and fees, the City shall give written notice informing the owner that all City costs must be paid within 60 days if the owner wishes to reclaim it. If, after more than 60 days have elapsed since the seizing and impounding of the object or thing, the owner has not reclaimed such object or thing, the City Engineer will either auction or dispose of such object or thing in a manner determined by the City Engineer. If auctioned, the City Engineer shall give 15 days' notice, by publication in the official newspaper of the City, of the time and place where the City will offer such object or thing for sale at public auction, unless for good and sufficient reason the period of sale be postponed. When sold, proceeds shall be used to pay all expenses incurred by reason of the seizure and impounding and all other necessary expenses incurred by the advertising and sale of the same, and any residue shall be paid into the City Treasury.

4. Notice of Sale.

The notice of sale shall describe with reasonable clarity the object to be sold and shall state the name of the reputed owner, if known to the City Engineer. If the owner is unknown, the notice shall so state. A copy of such notice shall be sent to the owner, if known, at least four days prior to the sale.

5. Redemption.

At any time within six months after the date of sale, the owner thereof, upon proper application to the City Treasurer, and upon presentation of satisfactory proof that he/she was the owner of the object or thing sold, shall receive the residue of the proceeds of such sale, after the necessary expenses have been deducted. If, at the expiration of six months, the former owner shall not have applied to the City Treasurer as provided in this section, the residue of the proceeds of such sale shall be deposited into the General Fund.

6. Miscellaneous.

- a. "Cost" means out-of-pocket expenses as well as those attributed to personnel, including administrative overhead, which shall be presumed to be 15 percent.
- b. If no sale is consummated or the object is determined to be of less value than the anticipated expense to the City of sale, the City shall dispose of such object in a manner determined by Section 1.06.264 of the Tacoma Municipal Code.
- c. Notice shall be deemed effective upon deposit of the written form in the U.S. mail, first-class postage prepaid.

If a person other than the owner described in subsection 9.17.010.B.1 establishes ownership of the object subject to impound to the satisfaction of the City Engineer, all notices shall thenceforth be provided to that person.

C. Removal – Emergency.

The foregoing shall not impair, and the City Engineer is hereby authorized to make, emergency removal of any obstruction which constitutes an imminent risk of harm to public safety. Any obstruction determined by the City Engineer to be imminently dangerous may be forthwith removed, and the removal in no event shall constitute a breach of the peace or trespass. Subsequent to emergency removal, the procedures set forth in subsection 9.17.010.B shall be followed for objects or things described in subsection 9.17.010.A.9.

(Ord. 25911 § 1; passed Jul. 2, 1996)

9.17.020 Liability of abuttor. *Repealed by Ord. 25911.*

(Ord. 25911 § 2; passed Jul. 2, 1996; Ord. 18361 § 2; passed Sept. 5, 1967)

9.17.030 Severability.

The provisions of this chapter are hereby declared to be separate and severable, and the invalidity of any clause, sentence, paragraph, subdivision, section or portion of this chapter, or the invalidity of the application hereto to any person or circumstance, shall not affect the validity of its application to other persons and circumstances.

(Ord. 25911 § 3; passed Jul. 2, 1996)

CHAPTER 9.18

REPEALED

Trees and Shrubs – Trimming and Removal

Repealed by Ord. 28926

(Repealed by Ord. 28926 § 3; passed Jan. 16, 2024; Ord. 24040 § 1; passed Mar. 29, 1988; Ord. 13621 §§ 1 to 8; passed Jun. 1, 1949; Ord. 10808; passed Feb. 10, 1932; Ord. 9071 §§ 1 to 4; passed Jan. 27, 1927)

CHAPTER 9.19

REPEALED

Trees and Shrubs – Planting

Repealed by Ord. 28926

(Repealed by Ord. 28926 § 3; passed Jan. 16, 2024; Ord. 28515 Ex. 5; passed Jun. 26, 2018; Ord. 16610 § 1; passed Jul. 12, 1960)

CHAPTER 9.20
URBAN FORESTRY³

Sections:

I. ADMINISTRATION

- 9.20.100 Administration – general authority.
- 9.20.110 Liability – duty.
- 9.20.120 Compliance with other laws; conflict of laws.
- 9.20.130 References in Tacoma Municipal Code.
- 9.20.140 Definitions.

II. PERMIT REQUIREMENTS

- 9.20.200 General purpose and intent.
- 9.20.210 Street tree permit – pruning.
- 9.20.220 Street tree permit – removal.
- 9.20.230 Street tree permit – planting.
- 9.20.240 Exemptions and modifications from street tree permit requirements – pruning and removal.
- 9.20.250 Tree pruning on public real property – scenic view enhancement.
- 9.20.260 Permit Display – violation.

III. GENERALLY APPLICABLE REQUIREMENTS

- 9.20.300 Removal of trees and tree parts.
- 9.20.310 Topping.
- 9.20.320 Types of trees prohibited.
- 9.20.330 Protection of street trees – development.
- 9.20.340 Right-of-way obstruction – trees.
- 9.20.350 No interference.
- 9.20.360 Damage to trees on public property.
- 9.20.370 Gleaning of fruit.
- 9.20.380 Appeal of denial of permit.

IV. HERITAGE TREES

- 9.20.400 Intent.
- 9.20.410 Applicability.
- 9.20.420 Qualifications.
- 9.20.430 Nomination.
- 9.20.440 Application.
- 9.20.450 Designation.
- 9.20.460 Maintenance, care and protection.

V. ENFORCEMENT AND REMEDIES

- 9.20.500 Enforcement – delegation.
- 9.20.510 Violations.
- 9.20.520 Monetary penalties.
- 9.20.530 Natural resource damage assessment.
- 9.20.540 Suspension or revocation of permit.
- 9.20.550 Presumption - removal and pruning on public property.
- 9.20.560 Written instruments.
- 9.20.570 Criminal violation.
- 9.20.580 Remedies not exclusive.

³ Code Reviser’s note: Chapter 9.20 was repealed and replaced per Ord. No. 28926. Legislative history of Chapter 9.20, previously entitled “Trees and Shrubs – View Blockage”: Ord. 28109; passed Dec. 4, 2012; Ord. 27915 Ex. A; passed Aug. 24, 2010; Ord. 27466 ; passed Jan. 17, 2006; Ord. 27079; passed Apr. 29, 2003; Ord. 26934; passed Mar. 5, 2002; Ord. 26386; passed Mar. 23, 1999; Ord. 24945; passed Jul. 16, 1991; Ord. 24710; passed Aug. 28, 1990)

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VI. MISCELLANEOUS PROVISIONS

9.20.600 Chapter cumulative.

9.20.610 Severability.

I. ADMINISTRATION

9.20.100 Administration – general authority.

The Director is authorized to administer, implement, and enforce the provisions of this chapter and delegate authority to enforce the provisions of this chapter to such person(s) as the Director may designate from time to time. The Director is authorized to promulgate, implement, amend, supplement and enforce such policies, procedures, requirements, and manuals, and to issue such guidance, as are reasonable and necessary to implement and ensure compliance with this chapter. Any such policy, procedure, guidance, requirement, or manual promulgated by the Director, and any amendments or supplements made thereto, shall be made available to the public.

Discretionary authority granted pursuant to the provisions of this chapter shall be exercised in a reasonable manner and consistent with applicable law, the purpose, scope, and intent of this chapter, and applicable policies and standards adopted by the City, including the City of Tacoma Comprehensive Plan, the Urban Forest Manual, the Design Manual, the Urban Forest Management Plan, and the Climate Action Plan.

(Ord. 28926 § 1; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

9.20.110 Liability – duty.

While this chapter authorizes the City of Tacoma and its officials, officers, employees and agents to administer this chapter, such authorization shall not be construed as placing responsibility for compliance, or as creating any duty, on the part of the City or any City official, officer, employee or agent to any particular case or to any particular person or class of persons. This chapter shall be enforced for the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons. Nothing contained in this chapter is intended, nor shall be construed, to create or form the basis of any liability on the part of the City, its officials, officers, employees or agents, for any injury or damage resulting from any act or omission on the part of the City, its officials, officers, employees or agents.

(Ord. 28926 § 1; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

9.20.120 Compliance with other laws; conflict of laws.

A. Compliance with laws.

In addition to the requirements of this chapter, the removal, pruning and planting of street trees, and the removal, pruning and planting of trees and other vegetation on public real property, must comply with all applicable federal, state and local laws, rules and regulations as now or may hereafter be amended or adopted including, without limitation, the Critical Areas Preservation code (Tacoma Municipal Code (TMC) 13.11), the Shoreline Master Program (TMC Title 19), the Land Use Permits and Procedures code (TMC Chapter 13.05), the Right-Of-Way Development Code (TMC 2.22), and the Rights-of-Way code (TMC 10.22). A permit authorized under this chapter may be incorporated into and as part of a permit issued pursuant to TMC 2.22, TMC 10.22, TMC 13.05 and TMC 13.11.

B. Conflict of laws.

A permit, or permit condition, issued under authority of this chapter that conflicts with an applicable provision of a federal, state or local law, rule or regulation shall have no force or effect to the extent of the conflict; provided that the permit, or permit condition may be more restrictive. For example, TMC 13.11 may prohibit complete removal of trees within critical areas.

(Ord. 28926 § 1; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

9.20.130 References in Tacoma Municipal Code.

Any reference in the Tacoma Municipal Code to TMC Chapter 9.18, 9.19, or 9.20, or any subsection thereof, shall as applicable, mean and refer to this chapter or the applicable subsection or subsections of this chapter.

(Ord. 28926 § 2; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

9.20.140 Definitions.

For purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein unless a different meaning is otherwise plainly required. Words not defined herein shall have the meaning given in TMC 1.82. Words not defined herein or in TMC 1.82 shall have the meaning given in the Urban Forest Manual. Words not defined in this chapter, TMC 1.82, or the Urban Forest Manual shall have the meaning given in ANSI A300. Words not defined in this chapter, TMC 1.82, the Urban Forest Manual, or ANSI A300 shall have their common and ordinary meaning. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The words “shall” and “will” are always mandatory and not merely directory and the word “may” is permissive. References to governmental entities (whether persons or entities) refer to those entities or their successors in authority.

“AASHTO Green Book” shall mean and refer to the most recent edition of the American Association of State Highway and Transportation Officials’ policy on geometric design of highways and streets more commonly referred to as the “green book”.

“Abutting” shall mean having boundary lines in common.

“Abutting owner” shall mean and refer to the owner of the property abutting that portion of the planting strip where fifty percent (50%) or more of the trunk of a street tree is located or proposed to be located.

“ANSI A300” shall mean and refer to the most current version of the tree, shrub and other woody plant maintenance and standard practices standard A300 as accredited by the American National Standards Institute (ANSI) or its successor organization.

“Applicant” shall mean and refer to the person applying for a permit or heritage tree designation or submitting a request to prune trees on public property.

“Arborist” or “Certified Arborist” shall mean and refer to an individual engaged in the profession of arboriculture who, through experience, education and related training, possesses the competence to provide for or supervise the management of trees and other woody plants, and shall have the credential of Certified Arborist as granted by the International Society of Arboriculture (ISA). Certified Arborists must maintain their certification and be in good standing with the International Society of Arboriculture.

“Authorized agent” shall as applicable mean and refer to a person retained and authorized by the City or an applicant to prune, remove or plant a street tree, or to prune, remove or plant a tree on City property.

“Best management practices” or “BMPs” shall mean and refer to the standard practices for tree pruning and removal approved or recommended under ANSI A300.

“City” is the City of Tacoma.

“City property” shall mean and refer to all real property and real property interests owned or controlled by the City, with the exception of public rights-of-way.

“Conflict tree” shall have the meaning as that term is given at TMC 9.20.220.

“DBH”, “DSH”, or “caliper inches” shall mean diameter at breast height, or diameter at standard height, which refers to the tree trunk diameter measured at four feet six inches (4’-6”) above the ground of a standing tree, measured in inches and tenths of an inch. If the tree is measured at less than four inches (4”) of DBH or DSH, as is typical for newly planted trees, caliper inches shall be used, and is measured at six inches (6”) above the soil level.

“Design manual” shall mean and refer to the manual applicable to construction of all street and right-of-way improvements as adopted by the City Director of Public Works, and effective on or about January 7, 2016, and any amendments, updates, or revisions made thereto, and on file with the Public Works Department.

“Development” means the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or structure; any use or change in use of any building or land; any extension of any use of land, or any land alteration.

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“Director” shall mean and refer to the Director of the City of Tacoma Public Works Department, or successor department or division, and any designee of the Director with respect to the authority delegated to the designee by the Director.

“Drip line” shall mean and refer to the area on the ground below the tree in which the boundary is designated by the edge of the tree’s crown.

“Electric facilities” shall have the same meaning as that term is given pursuant to RCW 64.12.035, as now or hereafter amended.

“Electric utility” shall have the same meaning as that term is given pursuant to RCW 64.12.035, as now or hereafter amended.

“Emergency” shall mean and refer to an urgent, sudden, and serious event or an unforeseen change in circumstances or discovered condition that necessitates immediate action to remedy harm or avert imminent danger to life, health, or property.

“Emergency response costs” shall mean and refer to those costs incurred by the City in response to an emergency.

“Fruit Tree” shall mean and refer to a tree that is grown for its edible fruit, consumed by humans. Ornamental varieties of fruiting trees, such as ornamental pear or cherry trees, are exempt from the definition of a fruit tree.

“Hazardous tree” and “hazard tree” shall mean and refer to a tree(s) that is found to be likely to fail and has an extreme or high risk to cause property damage, personal injury or fatality in the event of a failure. Trees designated as hazards shall be designated as such by a Certified Arborist who has achieved a Tree Risk Assessment Qualification.

“Heritage tree(s)” shall mean and refer to a tree, or collection of trees, located in the City limits of Tacoma that, because of exemplary size, age, cultural/historical significance, ecological value, or rarity, is considered irreplaceable.

“Improved right-of-way” shall mean and refer to the public rights-of-way within the City that are paved, graded, or otherwise altered in any way for the purpose of vehicle, pedestrian, or bicycle travel.

“Invasive tree” is a species that was introduced by humans to locations outside of the tree’s native range that spread and persist over large areas. Invasive species negatively impact natural ecosystems by displacing native species, reducing biological diversity, and interfering with natural succession.

“Land alteration” shall mean and refer to activities pertaining to the clearing or moving of land and earthwork, including compaction, excavation, grading, filling, stockpiling, striping and/or scarification of a site.

“Mailing” or “service by mail” shall mean sending the document by regular, first-class mail, postage prepaid and properly addressed, to the last known address of the person subject to the document. The last known address shall be an address provided to the City by the person to whom the document is directed; if an address has not been provided to the City, the last known address shall be any of the following as they appear at the time the document is mailed: the address of the property where the violation is occurring, or the taxpayer address appearing for the property on the official property tax information website for Pierce County; the address used for the payment of utilities for the property at which the violations are occurring; or the address appearing on the project permit application. Where service of notice is by mail, service shall be deemed complete upon the third day following the day upon which the notice is placed in the mail, unless the third day falls on a Saturday, Sunday, or federal legal holiday, in which event service shall be deemed complete on the first day other than a Saturday, Sunday, or legal holiday following the third day.

“Natural resource damage” and “damaged natural resources” shall mean and refer to any and all injury, damage or degradation of or to, trees, ground cover and other vegetation, animal habitat, wetlands, natural drainage courses, slope stability, soils condition, wind protection, ground water retention, and other natural resources located on public property.

“Nuisance tree” shall have the meaning as that term is given at TMC 9.20.220.

“Permit” and “street tree permit” shall, unless the context plainly means otherwise, mean and refer to a permit issued in accordance with the provisions of this chapter, and shall, for purposes of the design manual, mean and refer to a “Tree Work in the ROW Permit”.

“Prohibited tree” shall have the meaning as that term is given at TMC 9.20.220.

“Project permit” shall have the meaning as that term is given at RCW 36.70B.020.

“Permitted street tree” shall mean and refer to a tree that meets the requirements of TMC 9.20.230.F.

“Person” shall mean and refer to any individual, partnership, co-partnership, firm, company, association, joint stock company, trust, estate, society, corporation, group, government, governmental agency or other legal entity, and their legal representatives, agents, or assigns. The definition includes all federal, state, and local government entities.

“Planting strip” shall mean and refer to that portion of an improved right-of-way between the street curb or edge of the traveled portion of roadway and the property line of the abutting property available and used for the purpose of planting and maintaining street trees and other vegetation.

“Private property” shall mean and refer to real property, other than public property and real property owned, managed or controlled by a governmental entity.

“Prune” or “pruning” shall mean and refer to the removal of plant parts, dead or alive. In no circumstance does tree topping qualify as appropriate tree pruning.

“Public property” shall mean and refer to public rights-of-way and public real property.

“Public real property” shall mean and refer to unimproved real property, and interests in real property (easements), within the City of Tacoma limits, owned or controlled by the City; this term shall exclude public rights-of-way, and real property, and interests in real property, managed and operated as public parks.

“Public right-of-way” or “public rights-of-way” shall mean and refer to the public streets, roadways, courts, alleys and any other public passages, whether developed or undeveloped, over which the City has a possessory interest or right of use either by easement, license, permit or other such authority, or by fee simple ownership. For purposes of this definition public rights-of-way may contain items such as pavement, parking or loading areas, retaining walls or other structures, landscape or planting strips, sidewalks, curbs, vehicle, bicycle or pedestrian traffic lanes, traffic circles and other such development. This definition is intended to be construed so as to be consistent with other definitions of the term right-of-way or rights-of-way as may be found in Tacoma Municipal Code or Washington State statutory and case law.

“Public Transportation Agency” shall mean and refer to the Pierce County Public Transportation Benefit Area Corporation d/b/a Pierce Transit and the Central Puget Sound Regional Transit Authority d/b/a Sound Transit.

“Remove” or “removal” shall mean the act of cutting down or removing any tree by digging up or cutting down.

“Responsible person” shall have the meaning as set forth in TMC 1.82, the Uniform Enforcement Code.

“Scenic view” and “scenic views” shall mean and refer to the view over public property of natural scenery such as mountains and mountain ranges, waterways and waterbodies, islands, hills, valleys, canyons, landscapes, urban forests, and other scenic vistas.

“Service provider” shall have the same meaning as that term is given pursuant to RCW 35.99.010, as now or hereafter amended.

“Significantly damaged tree” shall have the meaning as that term is given at TMC 9.20.220.

“Street tree(s)” shall mean and refer to a planted tree(s), or tree(s) that is intended to be planted, whose trunk is wholly or partially located within the public right-of-way. Street trees may be owned by the City or by an abutting property owner.

“TMC” shall mean and refer to the Tacoma Municipal Code.

“Topping” or “Tree Topping” shall mean and refer to an unacceptable pruning practice, injuring trees through the reduction of a tree's size by pruning live branches and leaders to stubs, without regard to long-term tree health or structural integrity. Topping can lead to unacceptable risk, tree stress, and decay.

“Traffic control device” means a sign, signal, marking or other device placed or erected for the purpose of regulating, warning, guiding or otherwise controlling traffic or regulating the parking of vehicles.

“Tree” shall, in addition to its common and ordinary meaning, mean any self-supporting woody plant which reaches a typical mature height of fifteen (15) feet or more at maturity, generally has a minimum mature canopy width of ten feet and greater, and is capable of being pruned to develop a branch-free trunk to at least eight feet in height at maturity.

“Unimproved right-of-way” shall mean and refer to public rights-of-way that are not paved, graded, or otherwise altered for the purpose of vehicle, pedestrian, or bicycle travel.

“Urban forest manual” (UFM) or “City of Tacoma urban forest manual” shall mean and refer to the manual adopted by the Director under authority of this chapter that provides best management practices for plant selection, design, installation, care, and other specifications for street trees.

“Utility” shall mean and refer to an electric utility, a service provider, and an operator of a natural gas, water, or sewer system located in the public right-of-way.

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“Vegetation management plan” shall mean and refer to a plan for the pruning, removal, maintenance, or management of trees and other vegetation or the management or prevention of vegetative growth that has been adopted, authorized, or applied by the City, including any department or division of the City, to manage vegetation on public property.

(Ord. 28926 § 1; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

II. PERMIT REQUIREMENTS

9.20.200 General purpose and intent.

It is the intent of this section of Chapter 9.20 to establish regulations and procedures to designate street trees as essential infrastructure and to preserve them in a healthy and safe manner, to ensure that the City’s built and natural environments function in complementary ways and are resilient to climate change and natural hazards, so that all persons who live, work or pass through the City have access to clean air and water, can experience nature in their daily lives, and benefit from public right-of-way amenities that are designed to lessen the impacts of natural hazards and environmental degradation, now and in the future. Trees are a living organism, and pruning and proactive management of street trees is essential to manage potentially hazardous conditions and improve public safety. A balance between preservation of trees and managing public safety can be partially accomplished by controlling how and when pruning or tree removal can occur and, in specific instances, by allowing individuals to provide for the pruning or removal of trees in accordance with the conditions of this Chapter.

Unless an exemption under this chapter applies, requests to prune street trees shall be governed by TMC 9.20.210; requests to remove street trees shall be governed by TMC 9.20.220; requests to plant street trees shall be governed by TMC 9.20.230; and, requests to prune trees located on public real property for the purpose of scenic view enhancement shall be governed by TMC 9.20.250.

(Ord. 28926 § 2; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

9.20.210 Street tree permit – pruning.

A. Applicability - pruning.

Unless an exemption under this chapter applies, TMC 9.20.210 shall govern requests to prune street trees.

B. Prohibition – street tree permit required - pruning.

1. Permit required.

Unless an exemption under this chapter applies, it shall be unlawful for any person to, in any manner, prune any street tree without having first obtained a street tree permit from the Director as provided in this chapter; provided that, an authorized agent may prune a street tree in conformance with a valid street tree permit issued to the abutting owner, a utility, a public transportation agency or the City.

2. Compliance.

Unless an exemption under this chapter applies, it shall be unlawful for any person, or authorized agent on behalf of a person, issued a street tree permit to, in any manner, prune any street tree except in conformance with the terms and conditions of such street tree permit and this chapter.

C. Street tree permit application – pruning.

The abutting owner, and any authorized agent of the abutting owner, the City and its authorized agents, and with respect to above-ground facilities, utilities and public transportation agencies, and their authorized agents, may apply for a street tree permit to prune a street tree if the pruning is intended to meet one or more pruning objectives set forth in ANSI A300, e.g., manage risk, manage health, develop structure, provide clearance, manage size or shape, improve aesthetics, and manage wildlife habitat. A permit may authorize pruning of one or more street trees. Before any street tree permit may be issued, the applicant shall file a complete application with the Director containing the information and declaration as set forth at TMC 9.20.210.D below, together with such other information as may be requested by the Director that is reasonably related to the application and approval requirements.

D. Contents of application – pruning.

Each application submitted pursuant to TMC 9.20.210.C for a street tree permit for pruning of a street tree shall include the following:

1. Name, address and telephone number of the applicant where applicant agrees to receive communications from the City;
2. If applicant is an authorized agent for the abutting owner, the name, address and telephone number of the abutting owner. If applicant is an authorized agent of a utility, a public transportation agency, or the City, the name, address and contact information for the electric utility, service provider, public transportation agency, or applicable department or division of the City;
3. Description of the public right-of-way within which each street tree that is the subject of the application is located;
4. Description of each street tree to be pruned with sufficient detail to accurately identify each street tree that is the subject of the application;
5. A photograph or digital image clearly delineating each street tree proposed to be pruned;
6. A street tree pruning plan that sets forth in detail the proposed plan and purpose for pruning each street tree that is the subject of the proposed permit, certified by applicant or a certified arborist on behalf of the applicant, that the plan meets ANSI A300 Standards, and demonstrating that implementing the pruning described in the proposed pruning plan will not result in a significant negative impact to each street tree’s continued health. Such street tree pruning plan shall also be certified by the applicant to meet requirements of all necessary traffic control measures of the City of Tacoma Traffic Control Handbook, as applicable;
7. If applicant is the abutting owner, or an authorized agent of the owner, a declaration of the applicant meeting the requirements of Ch. 5.50 RCW that the applicant is the owner of the abutting property, or that the authorized agent is authorized to file the application on behalf of the owner of the abutting property;
8. Name, address and telephone number of the person to perform the street tree pruning work;
9. Such other information as may be requested by the Director that is reasonably related to the application and approval requirements; and,
10. Payment of a permit application fee, when established pursuant to Chapter 2.09 of the Tacoma Municipal Code.

E. Review of application – pruning.

1. Process for review.

An application meeting the requirements of TMC 9.20.210.D for a street tree permit will be reviewed by the Director within a reasonable period-of-time for compliance with the requirements in subsection 2 below. The Director may utilize the services of a consulting arborist or forester as needed. The Director may consider any information provided in the application and any relevant information provided by City staff and the consulting arborist or forester.

2. Requirements for approval.

The Director shall review the application and issue a permit if the applicant has demonstrated to the reasonable satisfaction of the Director that the following requirements are met:

- a. The proposed pruning plan set forth in the application meets one or more of the pruning objectives set forth in ANSI A300;
- b. The pruning plan sets forth in adequate detail the proposed plan for pruning each street tree that is the subject of the proposed permit together with any other relevant information;
- c. The proposed pruning plan meets BMPs;
- d. The proposed pruning plan is consistent with the purpose and intent of this chapter and standards adopted by the City; and,
- e. That implementing the pruning described in the proposed pruning plan will not result in a significant negative impact to each street tree’s continued health.

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F. Permit fee – expiration – multiple street trees - pruning.

The application for a Permit, if applicable, is subject to the fees established pursuant to Chapter 2.09 of the Tacoma Municipal Code. If applicable, the street tree permit fee shall be paid at the time of submittal of the application. The Permit may apply to one or more street trees and shall specify the date upon which the street tree permit shall expire; provided that, no permit to prune a street tree shall be effective for longer than 180 days unless an extension is granted by the Director.

(Ord. 28926 § 2; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

9.20.220 Street tree permit – removal.

A. Applicability - removal.

Unless an exemption is demonstrated to apply, TMC 9.20.220 shall govern requests to remove street trees.

B. Prohibition – street tree permit required - removal.

1. Permit required.

Unless an exemption under this chapter applies, it shall be unlawful for any person to, in any manner, remove any street tree without having first obtained a street tree permit from the Director as provided in this chapter; provided that, an authorized agent may remove a street tree in conformance with a street tree permit issued to the abutting owner, a utility, a public transportation agency, or the City.

2. Compliance.

Unless an exemption under this chapter applies, it shall be unlawful for any person issued a street tree permit for tree removal, or an authorized agent of a person issued a street tree permit, to in any manner remove any street tree except in conformance with the terms and conditions of such street tree permit and this chapter.

C. Street tree permit application – removal.

The abutting owner and any authorized agent of the abutting owner, the City and any authorized agent of the City, a public transportation agency, and with respect to conflict trees, a utility and its authorized agent, and a property owner who is not an abutting owner and is required under a project permit to make off-site improvements, may apply for a street tree permit to remove a street tree if the proposed removal meets one or more of the requirements set forth below in subsection TMC 9.20.220.E below. A permit may authorize removal of one or more street trees. Before any street tree permit may be issued, the applicant shall submit a complete application to the Director containing the information and declaration set forth in TMC 9.20.220.D below, together with such other information as may be requested by the Director that is reasonably related to the application and approval requirements.

D. Contents of application –removal.

Each application submitted pursuant to TMC 9.20.220.C for a street tree permit for removal of a street tree shall include the following:

1. Name, address and telephone number of the applicant where applicant agrees to receive communications from the City;
2. If the applicant is the abutting owner or authorized agent, a declaration of the applicant meeting the requirements of Ch. 5.50 RCW that the applicant is the owner of the abutting property, or an authorized agent, and has authority to submit the application;
3. If applicant is an authorized agent for the abutting owner, the name, address and telephone number of the abutting owner. If applicant is an authorized agent of a utility, a public transportation agency, or the City, the name, address and contact information for the utility, public transportation agency, or applicable department or division of the City;
4. If applicant is not an abutting owner and is required under a project permit to make off-site improvements adjacent to property in which they do not own, a description of the attempt to communicate with the property owner as set forth in TMC 9.20.220.H;
5. Description of the public right-of-way within which each street tree that is the subject of the application is located;
6. Description of each street tree to be removed with sufficient detail to accurately identify each street tree that is the subject of the application;
7. A photograph or digital image clearly delineating each street tree proposed to be removed;

8. A detailed statement demonstrating that each street tree proposed to be removed meets one or more of the categories set forth in TMC 9.20.220.E below and why each street tree should be removed, together with any other relevant information;
9. A street tree removal plan that sets forth in detail the proposed plan for removing each street tree that is proposed to be removed, certified by the applicant or authorized agent to meet requirements of the Design Manual, and all necessary traffic control measures of the City of Tacoma Traffic Control Handbook, as applicable;
10. The application shall include an application complying with the street tree planting permit requirements of TMC 9.20.230 for planting of a street tree;
11. Name, address and telephone number of the person(s) to perform the street tree removal work;
12. Such other information as may be requested by the Director that is reasonably related to the application and approval requirements; and,
13. Payment of a permit application fee when established pursuant to TMC Chapter 2.09.

E. Categories of street trees subject to removal.

Unless an exemption applies as provided in this chapter, an application for a street tree permit for removal of one or more street trees must demonstrate that each street tree proposed to be removed meets one or more of the following categories:

1. Hazard trees.

A tree shall be designated as a hazard tree by an International Society of Arboriculture (ISA) Certified Arborist who has obtained an ISA Tree Risk Assessor Course and Exam certification or Tree Risk Assessment Qualification.

2. Conflict trees.

A conflict tree is a tree that by its presence in the public right-of-way directly conflicts or interferes with (a) construction or installation of a utility or public right-of-way improvement; (b) activities performed in the public right-of-way to repair or maintain a utility or public right-of-way improvement; (c) development of real property nearest to and directly abutting that portion of the public right-of-way upon which the street tree is located; or that, (d) damages existing improvements within the right-of-way or abutting property. A tree conflicts or interferes when it is demonstrated that there are no reasonable alternatives available to removal of the conflict tree.

3. Sidewalk damaged by trees.

When it can be demonstrated that damage to a sidewalk has been created by the roots of an existing street tree in a manner that creates a public hazard. It must be demonstrated that there are no reasonable alternatives available to removal of the street tree.

4. Prohibited trees.

A species of tree that is unlawful to plant in the public right-of-way pursuant to the adopted Prohibited Tree List of the Urban Forest Manual.

5. Nuisance trees.

A tree that constitutes a public nuisance pursuant to TMC Chapter 8.30.

6. Significantly damaged trees.

A tree that has been previously topped or significantly damaged to an extent that, if left unmanaged through extensive pruning and maintenance, could become a future Hazard Tree.

7. Fruit trees.

A fruit tree that the abutting owner desires to remove.

F. Review of application – removal.

An application meeting the requirements of TMC 9.20.220.D for a street tree permit for removal of a street tree will be reviewed by the Director within a reasonable period of time for compliance with the requirements in subsection G below. The Director may utilize the services of a consulting arborist or forester as needed. The Director may consider any information provided in the application and any relevant information provided by City staff, including the Light Division, and the consulting arborist or forester.

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G. Approval requirements - removal.

The Director shall review the application and issue a permit if the applicant has demonstrated to the reasonable satisfaction of the Director that the following requirements are met:

1. Each street tree proposed to be removed meets one or more of the following categories in accordance with TMC 9.20.220.E: hazard tree, conflict tree, tree damaging the sidewalk, prohibited tree, nuisance tree, significantly damaged tree, or fruit tree.
2. The street tree removal plan sets forth in detail the proposed plan for removing each street tree and meets the requirements of the Design Manual, and all necessary traffic control measures of the City of Tacoma Traffic Control Handbook, as applicable;
3. The proposed street tree removal is consistent with the purpose and intent of this chapter and standards adopted by the City; and,
4. Each street tree proposed to be removed will be replaced with a permitted tree in accordance with a permit issued pursuant to TMC 9.20.230, and applicable provisions of the landscaping standards of the zoning code TMC 13.06.

H. Posting of public notice – removal.

1. Posting required.

Upon issuance of a permit under this section, unless an exemption for posting of public notice is approved by the Director, a notice of street tree removal shall be posted by the applicant, or authorized agent, in a conspicuous location on or next to each street tree proposed to be removed for a minimum of 14 consecutive days prior to the commencement of work. The size of the font on the notice shall be large enough and the notice oriented in such a way as to be legible by pedestrians passing the street trees proposed to be removed and shall include the following:

- a. The proposed action (removal of street tree) and permit number;
- b. The date of posting of the notice and the date the proposed action is anticipated to commence;
- c. The purpose or objective to be accomplished by the proposed action, e.g. tree is hazard tree, conflict tree, etc.; and,
- d. Contact information for both the applicant or authorized agent as well as the City of Tacoma Permit Center.

2. Written notice.

If the permittee is a property owner who is not an abutting owner and is required under a project permit to make off-site improvements, the following additional notice requirements shall apply when a street tree is proposed to be removed as a required off-site improvement: permittee shall provide written notice by mail to the last known address of record of the owner of the abutting property for a street tree proposed to be removed indicating the intent to remove the street tree. Such notice shall include a brief statement of the need and nature of the work intended and the location of the street tree proposed to be removed, a good faith estimate of the time frame in which such work will occur, and how the Permittee can be contacted regarding the street tree removal work.

3. Compliance.

Unless an exemption is approved by the Director, it shall be unlawful, and a violation of this chapter, for any person issued a permit, or an authorized agent, to remove a street tree less than 14 days prior to the date of posting of the notice required pursuant to TMC 9.20.220.H.1 and, when applicable, mailing of notice required pursuant to TMC 9.20.220.H.2.

I. Permit and canopy loss fee – expiration – multiple street trees – removal.

All applications for removal of conflict trees shall include payment of a permit fee and a canopy loss fee for each street tree requested to be removed. The permit fee shall be established pursuant to TMC 2.09 and are intended to recover administrative costs of processing the application. A street tree permit may apply to one or more street trees and shall specify the date upon which the street tree permit shall expire; provided that, no permit shall be effective for longer than 180 days unless an extension is granted by the Director.

Conflict tree - canopy loss fee.

Removal of conflict trees shall include a tree valuation fee known as a canopy loss fee, which is determined to recoup a portion of the value the street tree had to the community, prior to its removal. The canopy loss fee shall be placed in an account established to support the urban forestry program in planting, maintenance, and replacement of trees on public

property or the right-of-way. The canopy loss fee is determined by a cost per inch of DBH removed. The total DBH in inches of a removed tree is subtracted by the total caliper inches of replacement street trees in the associated tree planting permit, to calculate the total inches to be mitigated by a canopy loss fee. The total inches required to be mitigated is multiplied by the fee per caliper inch as established by TMC 2.09. The canopy loss fee formula shall be as follows: [DBH in inches of removed trees - caliper inches of planted trees] X [cost per caliper inch] = Total canopy loss fee. By way of example, if one twelve-inch (12") DBH conflict tree will be removed, and three two-inch (2") caliper trees will be planted back, the applicant would get six inches of credit towards the canopy loss fee (3x2"). The assessed canopy loss fee would be for the remaining six inches of canopy loss: 12" tree removed – 6" planting credit = 6" canopy loss, to be paid by the fee per caliper inch as established by TMC 2.09.

The permit fee and canopy loss fee may include a senior or disabled person reduction established in the same manner as provided for permits set forth in TMC 2.09.030.B. Permit fees and canopy loss fees are not required for applications for a permit to remove qualifying hazard trees, trees damaging the sidewalk, prohibited trees, nuisance trees, fruit trees, significantly damaged trees in accordance with TMC 9.20.220.E.

(Ord. 28926 § 2; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

9.20.230 Street tree permit – Planting.

A. Intent.

It is the intent of this section to regulate and allow the planting of street trees in a way that maximizes the benefits of street trees while minimizing potential future impacts to infrastructure and private property. Additionally, effective street tree planting regulations will help to achieve the greatest possible gain in environmental health city-wide, improve street tree species diversity and age diversity, and increase awareness and use of urban forest best practices, including proper street tree selection, planting practices and maintenance, invasive species avoidance, protection from adverse pests and diseases, and appropriate use of native and/or climate adapted species.

B. Applicability.

TMC 9.20.230 shall govern requests to plant street trees in the public right-of-way.

C. Prohibition – permit required – planting.

1. Permit required.

Unless an exemption under this chapter applies, it shall be unlawful for any person to, in any manner, plant any street tree without having first obtained a street tree permit from the Director as provided in this chapter.

2. Compliance.

Unless an exemption under this chapter applies, it shall be unlawful for any person issued a street tree permit for the purpose of planting a street tree, or an authorized agent on behalf of a person issued such a street tree permit, to in any manner plant any street tree except in conformance with the terms and conditions of such street tree permit and this chapter.

D. Street tree permit application – planting.

The abutting owner, and any authorized agent of the abutting owner, a utility, a public transportation agency, a property owner who is not an abutting owner and required under a project permit to make off-site improvements, and the City, or their authorized agents, may apply for a street tree permit to plant a permitted street tree. A street tree permit may authorize planting of one or more permitted street trees. Before any street tree permit may be issued, the applicant shall submit an application containing the information and declaration set forth in TMC 9.20.230.E below, together with such other information as may be requested by the Director that is reasonably related to the application and approval requirements.

E. Contents of application – planting.

Each application submitted pursuant to TMC 9.20.230.D for a street tree permit for planting of a permitted street tree shall include the following:

1. Name, address and telephone number of the applicant where applicant agrees to receive communications from the City;
2. If applicant is an authorized agent for the abutting owner, the name, address and telephone number of the abutting owner. If applicant is an authorized agent of a utility, a public transportation agency, or the City, the name, address and contact information for the utility, public transportation agency, or applicable department or division of the City;

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3. If applicant is not an abutting owner and is required under a project permit to make off-site improvements adjacent to property in which they do not own, a description of the attempt to communicate with the property owner as set forth in TMC 9.20.230.I;
4. Aerial image (site plan) of the public right-of-way within which each street tree is proposed to be planted showing existing site features including the location(s) of adjacent buildings, streets, sidewalks and/or other paved surfaces, and dimensions of available planting space, such as the width of the tree pit or planting strip;
5. Tree planting plan describing the quantity of street trees proposed to be planted, planting location(s), species including the common and scientific name(s), and the method and manner of planting each proposed street tree;
6. If the applicant is an authorized agent of the abutting owner, an original declaration of the abutting owner meeting the requirements of Ch. 5.50 RCW, providing the name, address and telephone number of the authorized agent, declaring that the authorized agent is authorized by the abutting owner to plant permitted street trees within that portion of the public right-of-way abutting the declarant's real property and that the declarant, and declarant's successors and assigns in and to the abutting real property, shall own and be responsible for each such street tree, and that the declarant is the legal owner of the abutting property;
7. If the proposed street tree(s) species is not selected from the preapproved street tree lists established in the Urban Forest Manual, a detailed statement demonstrating why the selected street tree species meets the criteria set forth in TMC 9.20.230.F.2 below, including objective authoritative sources, or from the nursery providing the tree growth information, often called "cut sheets", describing the proposed street tree's mature height, crown spread and growth rate supporting the tree or alternatives as approved through the permit review process. Objective information must come from published sources;
8. Such other information as may be requested by the Director that is reasonably related to the application and approval requirements; and,
9. Payment of a permit application fee established pursuant to TMC Chapter 2.09.

F. Permitted street trees – type - planting.

1. Pre-approved tree species.

Tree species approved for planting in the public right-of-way pursuant to the Urban Forest Manual, or a pre-approved tree list established by the Director, are pre-approved and permitted trees.

2. Approval of other tree species.

Tree species that are not pre-approved and that are not prohibited pursuant to this chapter or the Urban Forest Manual, may be permitted trees if they are demonstrated to the reasonable satisfaction of the Director to meet all of the following conditions:

- a. Climate adapted to the Pacific Northwest region. The use of natives and climate adapted species is encouraged, and all tree species should be adapted to live in the region and specific conditions of the planting location.
- b. Visibility and safety. Except in cases where required landscaping is intended to provide dense visual buffers or to enhance natural conditions, trees shall be selected to maximize visibility at eye level for safety. To meet this requirement, trees shall be selected to maximize views below 7 feet in height at maturity, such that the lower branches should be able to be pruned/removed to allow for views under the tree's crown.
- c. Species selection. Species shall be selected to avoid or minimize potential conflicts with infrastructure and utilities. Street tree species under power lines shall have a maximum mature height (at 25 years of age) not greater than 25 feet.

G. Distance requirements – planting.

The trunk of new street tree plantings from pavement, structures, utilities, and other infrastructure shall conform to the Design Manual. Distances may be reduced, with approval of the Director, upon a demonstration that the species selected will not cause infrastructure conflicts and conforms to the guidance in the Urban Forest Manual and Design Manual.

H. Requirements for approval – planting.

The Director shall review the application and issue a permit if the applicant has demonstrated to the reasonable satisfaction of the Director that the following requirements are met:

1. The species of each proposed tree is pre-approved, and if not pre-approved, meets the conditions set forth in TMC 9.20.230.F.2.a-c, above;

2. The planting of each proposed tree meets the purpose and intent of this chapter and the requirements set forth in the Design Manual and the Urban Forest Manual; and,
3. If an existing street tree is proposed to be removed and replaced with a new street tree, that a street tree permit has been issued for removal of such existing street tree.

I. Notice Requirements.

1. If the permittee is a property owner who is not an abutting owner and is required under a project permit to make off-site improvements, the following additional notice requirements shall apply when a street tree is proposed to be planted as a required off-site improvement: permittee shall provide written notice by mail to the last known address of record of the owner of the abutting property for a street tree proposed to be planted indicating the intent to plant the street tree. Such notice shall include a brief statement of the need and nature of the work intended, the proposed location and species of the street tree to be planted, a good faith estimate of the time frame in which such work will occur, and how the permittee can be contacted regarding the street tree planting work.
2. Compliance.

Unless an exemption is approved by the Director, it shall be unlawful, and a violation of this chapter, for any person required to provide notice pursuant to TMC 9.20.230.I.1 above, to plant a street tree less than 14 days prior to the date of mailing of notice required pursuant to TMC 9.20.230.I.1.

(Ord. 28926 § 2; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

9.20.240. Exemptions and modifications from street tree permit requirements – pruning and removal.

A. Exemptions.

The following street tree pruning and street tree removal activities are exempt from the requirements of this chapter to obtain a street tree permit; provided that, pruning shall utilize BMPs to protect the health of the tree, and in no instances is tree topping permissible:

1. Small trees.
Pruning by an abutting owner, or authorized agent, of street trees which are less than 15 feet in height, provided that the pruning shall be performed in compliance with BMPs.
2. Fruit trees.
Harvesting of fruit and pruning of fruit bearing street trees.
3. Protection of public travel.
Pruning or removal of street trees by the City of Tacoma Department of Public Works, or its successor agency, or the Washington State Department of Transportation, or its successor agency, to abate a condition that poses a threat to public health, safety or welfare, to maintain visibility to traffic devices and signage, or to abate a public nuisance.
4. Public Works Department.
Pruning of street trees by the City Public Works Department for the purpose of providing adequate clearances for construction equipment, to abate a hazard, or to perform general maintenance to support the continued growth, health, structure, and longevity of the tree. Planting of street trees by the City Public Works Department for the purpose of replacing trees that have died or have been removed and is done so in accordance with the requirements of this chapter.
5. Restoration of utility services and emergency communications.
Pruning of street trees to the extent reasonably necessary to allow for restoration of an unplanned interruption of utility services or emergency communications.
6. Power Utility Service Providers.
Pruning of street trees by a power utility service provider to the clearance standards under the National Electric Safety Code.

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B. Modifications for Emergency.

Street tree pruning or removal activities necessary to manage an immediate threat to public health, safety, or welfare that require remedial or preventative action in a timeframe too short to allow for normal processing is allowed without first obtaining a street tree permit; provided that, the person performing the work to prune or remove the street tree(s) shall, as soon as practical but no later than 30 days following completion of the emergency pruning or street tree removal work, apply for a street tree permit, and fulfill the rest of the requirements necessary to bring itself into compliance with this chapter for the actions taken in response to the emergency. Prior to pruning or removal of street trees in response to an emergency, the person performing the work shall document, including photographs, the conditions of the street tree and note why the situation constitutes an emergency. Documentation shall be provided with the application of the street tree permit. Emergency actions shall use best management practices to address the emergency and, in addition, the action must have the least possible impact to the street tree. The Director may waive or modify permit application requirements of this chapter made impractical as a result of the emergency.

(Ord. 28926 § 2; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

9.20.250 Tree pruning on public real property – scenic view enhancement.

A. Intent – view enhancement.

The City of Tacoma is located on a steep-cliffed peninsula with spectacular scenic views. There are many trees on public real property which add to the natural beauty of the area, and there are many scenic views throughout the City. The City recognizes that trees located on public real property as defined herein can restrict scenic views from public and private property and that scenic views can be enhanced through proper pruning managed by the City consistent with BMPs.

It is the purpose of TMC 9.20.250 to establish a process for any person to request the City to prune trees on public real property as defined herein to enhance scenic views and to ensure that pruning is compatible with the purpose, use, and function of the public real property and the trees and vegetation located thereon and that pruning is consistent with BMPs. This purpose can be accomplished by pruning trees on public real property in response to a request only when the Director is satisfied that the proposed pruning can be done in a manner that will: (1) minimize potential liability and risk of harm to persons or property; (2) preserve and protect trees and vegetation on public real property, and in particular native remnant forests; (3) protect the investment in public real property; (4) not negatively impact wildlife habitat, soil conditions, and slope stability; and, (5) will have de-minimis impact on noise and air pollution reduction, water quality, stormwater management, and climate control functions of the trees and other vegetation proposed to be pruned.

At the Director's discretion, the City may or may not issue an approval. It is not the purpose of TMC 9.20.250 to create a vested right or property interest in a particular outcome or decision by the Director in response to a request filed under this section. The City retains sole discretion and authority over the decision to undertake or not undertake tree pruning on public real property in response to a request.

B. Applicability – scenic view enhancement.

TMC 9.20.250 applies to requests to prune trees located on public real property as defined herein to enhance scenic views. Requests to prune street trees shall be governed by the requirements of TMC 9.20.210.

C. Request – scenic view enhancement.

Any person may submit a request to the Director for the City to prune one or more trees located on public real property as defined herein for purposes of scenic view enhancement. The request should be in writing and contain the information set forth below in TMC 9.20.250.E, together with such other information as may be requested by the Director that is reasonably related to the request. Under no circumstances will tree topping be permitted. All pruning shall be consistent with industry BMPs.

D. Allocation of Costs.

It is the intent of TMC 9.20.250 to place the burden of the cost associated with the Director's review of a request and, if approved, the associated costs of the pruning work upon the person making the request. These costs include the City's administrative costs to review the request and to manage, administer and inspect the work, together with the costs of preparing a tree pruning plan, applying for and obtaining required permits, and planning for and performing the tree pruning work. Some, or all, of the work may be performed by consultants and contractors retained by the City for this purpose, the costs of which shall be borne by the person requesting the pruning through a work order and deposit process. The Director may require a work order and deposit from the applicant which the City may draw upon to pay for the foregoing costs as incurred by the City. If the balance of funds on deposit with the City falls below \$100.00, applicant shall, within ten (10) days of receipt of written request from the City, deposit such additional funds as the Director determines are reasonably necessary for the

continuing reimbursement of the City's costs expended in response to the request. In the event that Applicant fails to timely deposit additional funds as requested by the Director, the Director may cease all work and close the applicant's request. Applicant shall be entitled to a refund of any unencumbered amounts remaining on deposit at the conclusion of the work or upon closure of the request. The submittal of a work order deposit does not entitle the applicant to a particular outcome and is intended solely to reimburse the City for its costs.

E. Contents of request – scenic view enhancement.

Each request submitted pursuant to TMC 9.20.250.C for scenic view enhancement should include the following:

1. Name, address and telephone number of the applicant where person submitting request agrees to receive communications from the City;
2. Description of the public real property within which the person submitting request has requested the pruning of one or more trees;
3. A description of each tree the person submitting request proposes to be pruned with sufficient detail to accurately identify each such tree;
4. A photograph or digital image clearly delineating each tree proposed to be pruned;
5. A description of the scenic view that is proposed to be enhanced by the pruning;
6. A statement demonstrating why and how the pruning is necessary to enhance scenic views; and,
7. Such other information as may be requested by the Director.

F. Director's Decision – view enhancement.

The Director retains sole discretion to grant or deny the applicant's request. The Director, at a minimum shall consider the following:

1. Consistency and compatibility with, and will not be adverse to or unreasonably interfere with, the purpose, function and use of the public real property and the trees and vegetation located thereon;
2. Public health, safety and welfare;
3. Consistency with the City of Tacoma Comprehensive Plan;
4. Consistency with BMPs;
5. Consistency with a vegetation management plan, if any, applicable to the public real property where the pruning or removal is proposed; and,
6. Compliance with this chapter and applicable laws, rules and regulations, including by way of example and not limitation, the critical areas preservation code (TMC Ch. 13.11), the shoreline master program (TMC Title 19), the land use permits and procedures code (TMC Ch. 13.05), the right-of-way code (TMC Ch. 10.22), the Endangered Species Act, and the Bald Eagle Protection Act and the Migratory Bird Treaty Act.

G. Consultation – scenic view enhancement.

As part of the process for review of the request, the Director shall:

1. Consult with other departments.
Shall consult with the director, or designee, of the department of the City responsible for management of the public real property that is the subject of the request and shall give deference to the recommendation of such directors, or designees, with respect to the applicant's request.
2. Consult with arborist or forester.
Shall consult with and utilize the services of the City Arborist or City Forester, or a consulting arborist or forester as needed.

H. Director's Decision – scenic view enhancement.

The Director shall upon completion of review of the request, notify the applicant of the Director's determination and, if the Director determines that the pruning work should be undertaken, the additional deposit required from the applicant to complete the pruning work.

(Ord. 28926 § 1; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

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9.20.260 Permit display – violation.

It shall be unlawful for any person issued a street tree permit, or any authorized agent, to fail to display at all times at the location where tree pruning, tree removal or tree planting activities are actively being conducted that require a permit under this chapter, a current and valid street tree permit, or complete copy or digital image thereof, authorizing the street tree pruning, removal or planting. It shall further be unlawful for any such persons, or authorized agent, to fail to make the street tree permit available for display to any City public official for inspection upon request.

(Ord. 28926 § 1; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

III. GENERALLY APPLICABLE REQUIREMENTS

9.20.300 Removal of trees and tree parts.

Any remaining roots or stumps of street trees removed pursuant to a permit issued under this chapter shall be cut out at least eight inches below the surface of the ground, unless the removal of such will have a negative impact on erosion, slope stability, or natural areas on which they are located or the permit provides otherwise. All large woody material from removed or pruned street trees including the trunk, stump, branches, and large roots, shall be removed from improved right-of-way sites so as to not cause impairments to safe passage.

(Ord. 28926 § 1; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

9.20.310 Topping.

Topping of trees on public property is unlawful.

(Ord. 28926 § 1; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

9.20.320 Types of trees prohibited.

It shall be unlawful to plant in any part of the public right-of-way, including the planting strip, a tree species that is not a permitted street tree.

(Ord. 28926 § 1; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

9.20.330 Protection of street trees - development.

A. Protection of street trees.

Any person engaged in development activities in the public right-of-way not governed by a permit issued pursuant to TMC 13.06 shall, prior to the commencement of such activities, comply with the Design Manual and the tree protection requirements of the UFM applicable to any development that may impact a street tree or street trees. This development may occur on site or in the right-of-way.

Any person conducting construction activities such as excavation, filling, tunneling, trenching, compacting, demolition, utility work or other land disturbing activity in the Critical Root Zone or Drip Line of any street tree, must submit a Tree Protection Plan to be approved by the City prior to commencement of work. Tree Protection Plans shall be in accordance with the UFM.

Non-compliance with the requirements of this section is unlawful and a violation of this chapter.

B. Notice.

A notice of tree protection shall be posted by the person engaged in development activities subject to the requirements of TMC 9.20.330.A above, in a conspicuous place on the tree protection fencing, or on the tree in such a manner as to not damage the tree, or adjacent to each street tree for a 14-day period prior to and throughout the performance of work that is subject to the requirements of TMC 9.20.330.A. The notice shall be large enough and oriented in such a way as to be legible by pedestrians and vehicles passing each such street tree, and shall include the following:

1. The text “This tree is to be retained and protected from development impacts”;
2. The date(s) the proposed development activities will occur; and,

3. Contact information for the applicant, on-site construction contact, and/or project manager as well as the City of Tacoma Permit Center.

Non-compliance with the notice requirements of this section is unlawful.

(Ord. 28926 § 2; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

9.20.340 Right-of-way obstruction – trees.

A. Public Nuisance - vegetation on private property and within the public right-of-way.

All vegetation, including trees, shrubs, grass, other plants, or any parts thereof, located on real property abutting the public right-of-way and located within the right-of-way that meet any one or more of the following conditions, shall constitute a public nuisance:

1. Vegetation overhanging any sidewalk at less than eight (8) feet above grade or street at less than fourteen (14) feet above grade, or that is otherwise situated, in such manner as to, limit, obstruct or impair the free and full use of the sidewalk or street;
2. Vegetation that is situated in such a manner as to limit, obstruct, impair or obscure the clear view of a pedestrian or a driver of a motor vehicle in oncoming traffic while approaching an intersection, or any traffic control device while approaching such traffic control device;
3. Vegetation that is situated in such a manner as to interfere with, or create a hazardous condition with respect to, electric facilities, utility lines and infrastructure, underground utility lines, or fixtures situate in the public right-of-way; and,
4. Vegetation that is situated in such a manner as to create or contribute to a fire hazard or a threat of harm to public health, safety, or welfare.

B. Abatement of nuisance.

It shall be unlawful for any responsible person to cause, allow, suffer or permit such a public nuisance to exist, and any such nuisance shall be abated by the responsible person in a manner that conforms with this chapter, the City of Tacoma Right-of-Way Design Manual and Chapter 8.30 TMC (Public Nuisances).

(Ord. 28926 § 1; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

9.20.350 No Interference.

It shall be unlawful for any person without lawful authority to interfere with or cause or permit any person to interfere with employees or agents of the City who are engaged in the planting, pruning, maintaining, treating or removing of any tree or other vegetation on public property. Violation of this section is unlawful.

(Ord. 28926 § 1; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

9.20.360 Damage to trees on public property.

Except to the extent authorized or required under this chapter, it shall be unlawful for any person to:

- A. In any manner, prune, remove, or top any tree or other vegetation located on public property;
- B. Abuse, destroy, damage or mutilate any tree, or part of a tree, located on public property;
- C. Attach or place any rope or wire (other than one used to support the tree), sign, poster, handbill, or other thing to, or on any tree, or part of a tree, located on public property, cause or permit any wire charged with electricity, with the exception of decorative lights in a manner that does not impact the health of the tree, to come into contact with any tree located on public property;
- D. Allow any chemical, gaseous liquid, or solid substance which is harmful to trees located on public property to come into contact with the trees including their roots or leaves; or,
- E. Engage in any act which causes a tree on public property to die, including, but not limited to:
 1. damage inflicted on the root system by machinery, storage of materials, or soil compacting, or changing the ground level in the area of the tree root system;

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2. damage inflicted on the tree permitting infections or infestation;
3. excessive pruning or topping; and,
4. any other action which is deemed harmful to the tree.

(Ord. 28926 § 1; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

9.20.370 Gleaning of fruit.

It is the responsibility of the abutting owner to glean fruit and nuts from street trees to prevent fallen fruit and nuts from interfering with safe passage upon the public right-of-way.

(Ord. 28926 § 1; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

9.20.380 Appeal of denial of Permit.

Any applicant denied a street tree permit may, pursuant to TMC Chapter 1.23, file a written notice of appeal of the denial with the Office of the Hearing Examiner within 21 days of issuance of the denial.

(Ord. 28926 § 1; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

IV. HERITAGE TREES

9.20.400 Intent.

It is the intent of this chapter to establish a Heritage Tree Program to provide protection, recognition, foster appreciation, and inspire awareness for the contribution that Tacoma's mature trees make to the community. Heritage tree designation helps the City achieve a greater overall tree canopy to preserve the scenic beauty and natural environment of Tacoma, prevent erosion and sedimentation in waterways, encourage quality development, provide shade and wildlife habitat, counteract pollutants in the air, reduce heat island effects, and decrease wind velocities and noise. Designation of heritage trees connects the past to the present by preserving historic trees for the enjoyment of future generations.

(Ord. 28926 § 1; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

9.20.410 Applicability.

This chapter shall apply to the nomination, designation and management of trees located within the corporate boundaries of the City that qualify for nomination for heritage tree designation.

(Ord. 28926 § 1; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

9.20.420 Qualifications.

A. Minimum qualifications.

To qualify for nomination for heritage tree designation, the tree(s) must:

1. Healthy condition. Be in apparently healthy growing condition;
2. Minimum trunk diameter. Meet the minimum threshold trunk diameter;
3. Location. Be located within the corporate boundaries of the City; and,
4. Irreplaceable status. Be a tree, or collection of trees, that, because of exemplary size, age, cultural or historical significance, ecological value, or rarity, is considered irreplaceable.

B. Minimum trunk diameter.

To qualify as a heritage tree, the minimum trunk diameter (DBH) must be a minimum of the lesser of 30 inches or 65 percent of the largest documented diameter for a tree of that species in Washington as established in the most recent edition of the publication "Champion Trees of Washington State" by author Robert Van Pelt, published by University of Washington Press.

(Ord. 28926 § 1; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

9.20.430 Nomination.

A. Who may nominate a heritage tree.

1. Property owner.

Any owner of property upon which a tree or collection of trees subject to nomination is located may apply for nomination of such tree(s) for heritage tree designation.

2. Consent of property owner.

Any resident of the City of Tacoma, any City official (elected or appointed), any City employee, any member of a City of Tacoma committee, board or commission, with the signed written consent of the owner of property upon which the nominated tree, or collection of trees, is located, may apply for nomination of such tree(s) for heritage tree designation.

B. City Consent.

A nomination for heritage tree designation for a tree, or collection of trees, located on public property must be consented to in writing by the Director of the Department responsible for the management of the public property upon which the Tree is located, or by the City Manager.

C. Consent of other public entity.

A nomination for heritage tree designation located on property owned or controlled by a public entity, other than the City, must be consented to in writing by a public official with authority to grant such consent on behalf of such public entity.

(Ord. 28926 § 1; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

9.20.440 Application.

A. Application.

Any person seeking to nominate a tree, or collection of trees, for heritage tree designation shall file a written application with the City's Urban Forestry Program Section of the Environmental Services Department, utilizing the nomination forms approved by the Urban Forestry Program.

B. Contents of application.

At a minimum, the nomination application form shall contain the following:

1. A narrative statement demonstrating that the nominated tree, or collection of trees, because of exemplary size, age, cultural or historical significance, ecological value, or rarity, is considered irreplaceable;
2. A narrative statement describing the physical condition and health of the nominated tree, or collection of trees;
3. A narrative statement, including the species and size (diameter of the tree trunk in inches, tree crown spread in feet, and tree height in feet), demonstrating that the nominated tree, or each tree in a nominated collection of trees, meets the minimum threshold diameter;
4. Photos of the tree, or collection of trees, including at least one aerial photo demarcating the location with enough description so that the tree, or collection of trees, can be positively identified;
5. Documentation, records or other information demonstrating ownership of the property upon which the tree is located;
6. If the applicant is the owner of the property upon which the nominated tree, or collection of trees, is located, a signed written statement attesting to the applicant's ownership of the property; and,
7. If the applicant is not the owner of the property upon which the tree, or collection of trees, is located, a signed written statement of the owner of the property upon which the nominated tree, or collection of trees, is located consenting to the application for nomination for heritage tree designation and describing the tree, or collection of trees, that is subject to the nomination.

(Ord. 28926 § 1; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

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9.20.450 Designation.

A. Review of application.

All heritage tree nomination applications shall be reviewed by the City's Urban Forestry Program Section of the Environmental Services Department to determine if the nominated tree, or collection of trees, meets the minimum qualifications set forth at TMC 9.20.420 for heritage tree designation. All applications for trees located on public property must be reviewed and approved or denied by the City's Urban Forestry Program; provided that, if the nominated tree or collection of trees is located on public property, the nomination must also be approved by the Department Director or his/her/their designee who has management authority over the property, or by a public official with authority to grant such consent on behalf of such public entity, where the tree, or collection of trees, is located.

B. Additional information; site inspection.

The City's Urban Forestry Program Section of the Environmental Services Department may request the applicant to provide any additional information reasonably necessary to determine if a nominated tree, or collection of trees, meets the minimum qualifications for designation as a heritage tree, and may condition approval upon receipt of such information and upon consent to a physical inspection of the nominated tree or collection of trees.

C. Approval.

If it is determined that the nominated tree, or collection of trees, meets the minimum qualifications and is approved for heritage tree designation, such heritage tree designation shall remain in place until removal as provided in TMC 9.20.460. Such approval shall be made in writing.

D. List and Plaques.

The City of Tacoma Urban Forestry Section of the Environmental Services Department shall maintain the list of designated heritage trees, which shall be made publicly available. In the case of public property, the Urban Forestry Section may place a plaque, or other such identification, on or near heritage trees.

(Ord. 28926 § 1; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

9.20.460 Maintenance, care and protection.

A. Maintenance and protection.

The City is responsible for the maintenance of designated heritage trees located on public real property owned by the City. For all other designated heritage trees, the owner of the property, including the abutting property in the case of heritage street trees, upon which the tree is located shall be responsible for maintenance of the designated heritage tree. All heritage trees located within the public right-of-way shall be protected during development as provided in TMC 9.20.330.

B. Heritage tree retention - public property.

1. Removal.

A designated heritage tree on public property shall be retained and protected, and shall not be removed unless the designated heritage tree constitutes a hazard tree or nuisance tree and, when applicable, a permit for removal is authorized pursuant to TMC 9.20.220.

2. Emergency.

A designated heritage tree located on public property may also be removed pursuant to the emergency exemption provisions of TMC 9.20.240.

C. Heritage tree retention – private property.

Ownership and responsibility for a designated heritage tree, or collection of trees, located on private property or on property owned or controlled by a public entity other than the City, shall remain with the property owner and does not become the property or responsibility of the City. A heritage tree designation does not prohibit a property owner from developing the property or removing a designated heritage tree or trees subject to compliance with the City of Tacoma's land use regulations applicable to the development of the owner's property. The property owner is encouraged to notify the City of Tacoma Urban Forestry Section of the Environmental Services Department prior to or upon removal of a designated heritage tree, so that the heritage tree registry can be updated.

(Ord. 28926 § 1; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

V. ENFORCEMENT AND REMEDIES

9.20.500 Enforcement - delegation.

A. Enforcement.

The provisions of this chapter and all terms and conditions of any permit, directive, corrective action notice, or compliance order issued under authority of this chapter, are subject to enforcement pursuant to and under authority of TMC Chapter 1.82, the Uniform Enforcement Code. The Director is authorized to exercise all powers and authority granted pursuant to TMC Chapter 1.82, including by way of example and not limitation, the power to issue compliance orders, corrective action notices, and notices of violation, assess monetary penalties, approve voluntary correction agreements, and develop, promulgate, revise, and implement policies and procedures governing enforcement actions under TMC Chapter 1.82; provided that, the maximum monetary penalties set forth at TMC 1.82.050.F that may be assessed pursuant to a notice of civil violation are replaced and superseded with the provisions of TMC 9.20.520.

B. Delegation of authority.

The Director is empowered to delegate enforcement authority under this chapter and TMC 1.82 to such other departments, divisions, or persons as may be determined by the Director.

(Ord. 28926 § 1; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

9.20.510 Violations.

Except as otherwise provided herein, any act or omission by a responsible person that is made unlawful under this chapter or that is in noncompliance with any duty, requirement, or obligation set forth in this chapter, or in a term or condition of any permit, directive, or compliance order issued under authority of this chapter, shall constitute a violation of this chapter and is subject to enforcement by the Director.

(Ord. 28926 § 1; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

9.20.520 Monetary penalties.

A. Maximum monetary penalty.

The maximum monetary penalty that may be assessed pursuant to a notice of civil violation for each violation of this chapter shall not exceed \$10,000 per day or portion thereof, and each continuing day or portion thereof.

B. Minimum monetary penalty – removed tree.

The minimum monetary penalty assessed for each tree removed in violation of this chapter and for each tree that dies within a three year period as a result of the damage to the tree in violation of this chapter, shall be a sum of three times the fee for tree removal as set forth in TMC 9.20.220.I, or \$500 dollars, whichever amount is greater. If the DBH cannot be measured, the monetary penalty may be assessed per inch based on the diameter of the remaining tree stump. If the stump has been removed, a monetary penalty in the amount of \$10,000 may be assessed, unless the violator can demonstrate through competent evidence the DBH of the illegally removed tree.

C. Monetary penalty - damaged tree.

Each tree that is topped or severely pruned in violation of this chapter will be considered a removed tree and shall be subject to the penalties defined in TMC 9.20.520.B herein.

D. Duty to abate, correct or remedy.

Payment of a monetary penalty pursuant to this chapter does not relieve the person(s) responsible for the violation(s) of the duty to abate, correct or remedy the violation or preclude the city from taking action to assess the costs for preparation of a natural damages assessment and the costs of abatement.

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E. Urban forest penalty collection.

Any monetary penalty assessed and collected under this chapter shall be placed in an account established to support the urban forestry program in planting, maintenance, and replacement of trees on public property or the right-of-way, or as determined by the Department Director under whose authority the public property is managed.

F. Separate violations.

Each tree that is removed, pruned, topped or otherwise damaged in violation of this chapter shall constitute a separate violation.

G. Choice of action.

The choice of enforcement action to be taken under this chapter and the severity of any monetary penalty to be imposed for each violation of this chapter should be guided by the factors set forth at TMC 1.82.020.E, and shall additionally be guided by consideration of the following:

1. the scope of each violation;
2. the quality of trees and other vegetation damaged or removed;
3. the impact to the health of the trees and other vegetation that was damaged and the potential for long-term damage or death of the tree and other vegetation;
4. the extent to which the removal or damage benefitted scenic views;
5. the scope and extent of natural resource damage;
6. whether heritage trees were damaged or removed;
7. whether the trees and other vegetation damaged or removed were native or invasive species;
8. the health of the trees and other vegetation removed (it shall be presumed that any tree removed or damaged was in good health and condition, unless it can be proven otherwise);
9. the age, aesthetic value, and cultural or historic significance of the trees removed or damaged;
10. the scope and extent of any impact to a vegetation management plan in place for the public property where the violation occurred;
11. whether damaged natural resources can practicably be restored to an equivalent condition prior to the violation occurring;
12. The monetary value of the tree damaged or removed based upon the plant valuation methodology published in the most current edition of the International Society of Arboriculture, Guide for Plant Appraisal;
13. any other factors related to the harm caused; and,
14. any mitigating factors, including by way of example, good faith efforts to timely report and correct the violation, errors made in good faith with respect to the true property boundaries, good faith errors in implementing the tree removal or pruning plan, and the relative fault of agents acting on behalf of the responsible person.

(Ord. 28926 § 1; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

9.20.530 Natural resource damage assessment.

A. Responsibility for natural resource damages.

A person found to be in violation of this chapter or a permit issued hereunder shall be responsible for the costs of abatement, remediation and mitigation of natural resource damages arising from activities conducted in violation of this chapter.

B. Requirement for natural resource damage assessment.

If the Director determines that activities in violation of this chapter have resulted in natural resource damages, the Director may require preparation of a natural resource damage assessment that includes a plan for abatement, remediation and mitigation. The Director may issue a compliance order requiring the natural resource damage assessment to be prepared by the person responsible for the violation(s) resulting in natural resource damages or assessing the costs of preparation of the natural resource damage assessment to the person responsible for the violation(s) resulting in natural resource damages. The natural resource damage assessment shall be prepared in accordance with this section and shall be subject to approval by the Director

for completeness and compliance with this chapter. In the event that a violation of this chapter also constitutes a violation of Chapter 13.11 TMC (Critical Areas Preservation), the Director may require the person responsible for the violation to prepare the natural resource damage assessment in compliance with Chapter 13.11 TMC.

C. Preparation of natural resource damage assessment.

A natural resource damage assessment that may be required under this chapter, shall be prepared by persons qualified by training and experience to determine the extent to which activities upon public property have caused unauthorized natural resource damages in violation of this chapter. Qualified persons may include certified arborists, wetland scientists, soils scientists, hydrogeologists and other professionals.

The natural resource damages assessment shall include a comprehensive abatement, remediation and mitigation plan with a proposed schedule, and an estimate of the costs of abatement, remediation, and mitigation of the damaged natural resources, to the greatest extent practicable, to restore their condition and function as existed prior to the violation, together with a determination of the monetary value of the trees damaged or removed. The assessment shall include, by way of example and not limitation, a cost estimate and comprehensive plan for the repair or replacement of any trees removed or damaged, an assessment of the biological and habitat values to be replaced, an analysis of the impact to slope stability and soil erosion and plan for restoration, a cost estimate and plan for the installation and maintenance of interim and emergency erosion control measures until such time as the restored groundcover and vegetation reach sufficient maturation to function in compliance with the performance standards adopted by the City, and the estimated costs for obtaining permits necessary to implement the plan of abatement, remediation and mitigation.

Studies by the qualified persons may be required to determine the conditions which were likely to exist on the public property prior to the unlawful activities that resulted in the natural resource damage.

The natural resource damage assessment shall include analysis of the best-case growing capability of the site, taking into consideration the soil conditions, the health of surrounding tree stands and the type of species believed to have been removed or damaged, or whatever resources are available to determine natural resource damage.

D. Valuation of damaged or removed trees.

The Director may order that the natural damage assessment include an assessment of the monetary value of the trees removed or damaged in violation of this chapter. The monetary value of the trees shall be determined based upon the plant valuation methodology published in the most current edition of the International Society of Arboriculture, Guide for Plant Appraisal. This valuation will be a factor considered by the Director in assessing monetary penalties and may be included on a one-for-one basis. It shall be presumed that any tree that was removed or damaged was in good health and condition prior to removal or damage.

E. Costs of abatement.

Upon completion of the natural resource damage assessment and approval by the Director, the Director may issue a compliance order to the person responsible for the violation(s) resulting in natural resource damages, assessing the costs of the natural resource damage assessment and the City's emergency response costs, if not already paid at the expense of the responsible person, together with the estimated cost of abatement. If more than one person is responsible for the natural resource damages and emergency response costs, each person shall be jointly and severally liable for the costs of preparation of the natural resources damage assessment and the costs of abatement.

F. Implementation of plan of abatement, remediation and mitigation.

The City shall be responsible for implementing the comprehensive plan of abatement, remediation and mitigation. If the costs of implementing the plan of abatement, remediation and mitigation exceed the cost estimate prepared as part of the natural resource damage assessment, the Director may issue a compliance order requiring the person(s) responsible for the violation(s) to pay the additional costs. If more than one person is responsible for natural resource damages, each person shall be jointly and severally liable for the costs of abatement, remediation and mitigation.

(Ord. 28926 § 1; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

9.20.540 Suspension or revocation of permit.

The Director may suspend work or revoke a permit, as appropriate, if the Director has reasonable cause to believe:

- A. Inaccurate information was used to obtain a permit;
- B. The permittee is not complying with any terms of the permit or approved plans;

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- C. The work being performed may create an imminent danger to property or public safety;
 - D. The work is adversely affecting or may adversely affect adjacent public property, utility infrastructure, a drainage way, watercourse, critical area, wetland or stormwater facility;
 - E. The work is otherwise adversely affecting public health, safety, or welfare;
 - F. That due to adverse weather, the work poses a danger to public property or to neighboring properties;
 - G. That any work is being performed prior to issuance of required permits or in violation of applicable laws or regulations; or,
 - H. A required project surety (e.g., bond, cash deposit, letter of credit) has been expended to the point that the surety no longer provides assurance of the completion of the project in compliance with the terms of the permit.
- (Ord. 28926 § 1; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

9.20.550 Presumption – removal and pruning on public property.

There is a rebuttable presumption that the owners, occupants and persons in control of real property abutting any portion of public property upon which a tree(s) or other vegetation has been pruned, removed, topped or otherwise damaged in violation of this chapter, are the persons whose acts or omissions caused or aided in causing the violation, when the pruning, removal, topping or damage of such tree(s) or other vegetation has enhanced the scenic view from such abutting property. This presumption may be rebutted by clear evidence that:

- A. Such person's acts or omissions did not cause, and did not aid in causing, the violation;
- B. Such person made reasonable efforts to prevent such violation from occurring;
- C. Such person had no knowledge of the acts or omissions causing or aiding in the violation;
- D. The violation did not enhance the scenic view from such abutting property;
- E. The violation resulted only in incidental enhancement of the scenic view from such abutting property when compared to the enhancement of the scenic views from other abutting private properties; or,
- F. The location where the violation occurred is so distant in proximity to such abutting property that it would afford no more than an incidental enhancement of the scenic view from such abutting property.

The presumption set forth in this section shall not presumptively establish the intent required for a criminal violation of this chapter.

(Ord. 28926 § 1; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

9.20.560 Written instruments.

Any person who shall knowingly and falsely make, complete, or alter a written instrument required to be submitted to the Director pursuant to this chapter or pursuant to a term or condition of any permit, directive, or compliance order issued under authority of this chapter, shall be guilty of a gross misdemeanor and upon conviction shall be subject to a fine of not more than \$5,000 or by imprisonment in jail for up to three hundred sixty-five (365) days, or both, for each separate violation. Proof of intent to defraud or injure is not required.

(Ord. 28926 § 1; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

9.20.570 Criminal violation.

Any person who willfully violates TMC 9.20.210.B.1, 9.20.220.B.1, 9.20.230.C.1 or 9.20.360 shall be guilty of a gross misdemeanor and upon conviction shall be subject to a fine of not more than \$5,000 or by imprisonment in jail for up to three hundred sixty-five (365) days, or both, for each such violation.

(Ord. 28926 § 1; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

9.20.580 Remedies not exclusive.

The enforcement actions and authority authorized in this chapter are not exclusive and are supplemental to the enforcement actions and authority that may be available at law or in equity, including without limitation, TMC 8.30 (Public Nuisances), and TMC 13.11 (Critical Areas Preservation).

(Ord. 28926 § 1; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

VI. MISCELLANEOUS PROVISIONS

9.20.600 Chapter cumulative.

The provisions of this chapter shall not be exclusive and are supplemental and additional to other ordinances covering the same or similar subject matter.

(Ord. 28926 § 1; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

9.20.610 Severability.

If any portion of this chapter, as now or hereafter amended, or its application to any person or circumstances, is held invalid, unenforceable or unconstitutional, such adjudication shall not affect the validity of this chapter, as now or hereafter amended, or any section, provision or part hereof or thereof not adjudicated to be invalid, unenforceable or unconstitutional, and its application to other persons or circumstances shall not be affected.

(Ord. 28926 § 1; passed Dec. 12, 2023 (ratified and reconfirmed by Ord. 28947; passed Jan. 16, 2024))

CHAPTER 9.22
VACATION OF STREETS

Sections:

- 9.22.010 Petition to vacate authorized.
- 9.22.020 Presentation of petition – filing fee.
- 9.22.030 Report by the General Services Department.
- 9.22.040 Public’s right to travel – Utilities.
- 9.22.050 Filing petition with City Clerk – Resolution for submission to Council.
- 9.22.060 Notice of public hearing.
- 9.22.070 Public hearing.
- 9.22.080 Ordinance.
- 9.22.090 Compensation and appraisal fees.
- 9.22.100 Petition not granted or abandoned.

9.22.010 Petition to vacate authorized.

The owners of an interest in any real estate abutting on any street or alley who may desire to vacate any street or alley, or any part thereof, shall petition to the City Council to make vacation in the manner hereafter provided in this chapter and pursuant to Chapter 35.79 RCW, or the City Council may itself initiate by resolution such vacation procedure. The City Council shall require the petitioners to compensate the City in an amount which equals one-half of the appraised value of the area vacated; provided that if the street or alley has been a public right-of-way for 25 years or more, the City shall be compensated in an amount equal to the full appraised value of the area vacated; provided that when the vacation is initiated by the City or the City Council deems it to be in the best interest of the City, all or any portion of such compensation may be waived. Except as provided below, one-half of the revenue received hereunder shall be devoted to the acquisition, improvement, and maintenance of public open space land and one-half may be devoted to transportation projects and the management and maintenance of other City owned lands and unimproved rights-of-way.

In the case of vacations of rights-of-way in the tide flats area, defined as easterly of the Thea Foss Waterway (inclusive of the Murray Morgan Bridge), northerly of State Route 509 and westerly of Marine View Drive, the total of the revenue received hereunder shall be devoted to transportation projects in the tide flats area.

(Ord. 27175 § 1; passed Dec. 16, 2003: Ord. 26386 § 26; passed Mar. 23, 1999: Ord. 20444 § 1; passed Jun. 10, 1975)

9.22.020 Presentation of petition – filing fee.

A. The petition and information forms shall be furnished by the Public Works Department, together with written instructions concerning the street vacation procedure. The petitioner shall fill out and complete the petition and any information forms, including the environmental checklist, and shall present it to the Public Works Department for approval as to form and content prior to payment to said department of a filing fee of \$500.

The purpose of this fee is to partially defray the normal administrative, engineering, and legal expenses in processing the petition for vacation. The Public Works Department, upon receipt of the filing fee, shall endorse upon said petition a receipt of payment of the filing fee, and, in addition, furnish the separate written receipt showing said payment.

(Ord. 27466 § 27; passed Jan. 17, 2006: Ord. 27175 § 2; passed Dec. 16, 2003: Ord. 20444 § 1; passed Jun. 10, 1975.)

9.22.030 Report by the Public Works Department.

Upon receipt of each petition for processing as provided above, the Public Works Department shall prepare all necessary maps, check and certify the description of all properties involved, and make further investigation as may be necessary. The Public Works Department thereafter shall solicit, coordinate, and assemble the comments and recommendations of other City departments, including the Department of Public Utilities, Light and Water Divisions; and agencies having interest in the subject vacation, and shall prepare a report summarizing the Public Works Department’s findings and recommendations. The Public Works Department shall file said report, together with any other pertinent information regarding the street vacation request, with the Hearing Examiner at least seven days prior to the public hearing, which public hearing date shall be assigned by the Public Works Department and shall be in accordance with Section 9.22.050 hereof. Copies of said report shall also be

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mailed to the petitioner at least seven days prior to the hearing and shall be made available to any interested party at the cost of reproduction.

(Ord. 27466 § 28; passed Jan. 17, 2006: Ord. 27175 § 3; passed Dec. 16, 2003: Ord. 26386 § 27; passed Mar. 23, 1999: Ord. 20444 § 1; passed Jun. 10, 1975)

9.22.040 Public's right to travel—Utilities.

Vacation of any portion or portions of a street that is designated as an arterial under Section 11.05.490 of the Municipal Code shall be of a minor nature only and shall not unreasonably limit the public's right to travel upon said street or interfere with the ancillary right to occupy said street for utility purposes.

(Ord. 27175 § 4; passed Dec. 16, 2003: Ord. 22815 § 1; passed Nov. 23, 1982)

9.22.050 Filing petition with City Clerk – Resolution for submission to Council.

Upon a date for public hearing being assigned, the Public Works Department shall file the street vacation petition with the City Clerk, who shall cause notice of public hearing to be posted in accordance with Section 9.22.060 hereof, and shall also request a resolution for submission to the City Council. Such resolution shall fix the time when the petition shall be heard by the Hearing Examiner.

(Ord. 27466 § 29; passed Jan. 17, 2006: Ord. 27175 § 5; passed Dec. 16, 2003: Ord. 20444 § 1; passed Jun. 10, 1975)

9.22.060 Notice of public hearing.

The Public Works Department shall cause a 30-day notice to be given of the pendency of the petition by a written notice posted in three of the most public places in the City, a like notice in a conspicuous place on the street or alley sought to be vacated, a like notice in a newspaper of general circulation in the City, and a like notice to the legal property owners of all property abutting the right-of-way requested for vacation as enumerated on the applicant's vacation petition, and to any other interested parties of record. In addition to posting notices of the hearing, the Public Works Department shall mail a copy of the notice to all owners and occupants of the property which lies within 300 feet of the street or alley to be vacated. The said notice shall contain the statement that a petition has been filed to vacate the street or alley described in the notice, together with a statement of the time and place fixed for the hearing of the petition. In all cases where the proceeding is initiated by the City Council without a petition having been signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated, notices shall be sent as provided above. Failure to send notice by mail to any such property owner where the current address for such property owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed street vacation.

(Ord. 27466 § 30; passed Jan. 17, 2006: Ord. 27175 § 6; passed Dec. 16, 2003: Ord. 23262 § 1; passed Sept. 25, 1984: Ord. 22400 § 1; passed Jun. 2, 1981: Ord. 21771 § 1; passed Jul. 17, 1979: Ord. 20444 § 1; passed Jun. 10, 1975)

9.22.070 Public hearing.

A. The City Council hereby delegates the duty of conducting public hearings on street vacation petitions to the Hearing Examiner. Upon receipt of the completed petition for a street vacation and subsequent to the 30-day notice of public hearing pursuant to Section 9.22.060 hereof, the Hearing Examiner shall hold a full public hearing, take testimony, receive exhibits, and render a recommendation to the City Council upon such application, pursuant to the provisions of Chapter 1.23 of the Tacoma Municipal Code herein. The Hearing Examiner shall consider, among other things, the following criteria:

1. That the vacation will provide a public benefit and/or will be for a public purpose.
2. That the right-of-way vacation shall not adversely affect the street pattern or circulation of the immediate area or the community as a whole.
3. That the public need shall not be adversely affected.
4. That the right-of-way is not contemplated or needed for future public use.
5. That no abutting owner becomes landlocked or his access will not be substantially impaired; i.e., there must be an alternative mode of ingress and egress, even if less convenient.
6. That vacation of right-of-way shall not be in violation of RCW 35.79.035.

B. At the conclusion of the public hearing, the Hearing Examiner shall make available the verbatim electronic recording of the full hearing, together with the exhibits and his or her findings and conclusions, to the City Council for final action.

(Ord. 27175 § 7; passed Dec. 16, 2003; Ord. 24294 § 1; passed Jan. 31, 1989; Ord. 20444 § 1; passed Jun. 10, 1975.)

9.22.080 Ordinance.

At the time appointed for consideration of the petition, which time shall not be more than 60 days after the passage of the resolution pursuant to Section 9.22.050 hereof or at such time as the matter may be adjourned to by the City Council, the same shall be considered, and if the City Council determines to grant said petition, or any part thereof, the City Council shall authorize by ordinance the vacation of such street or alley or any part thereof. Such ordinance may provide for the retention by the City of all easements or rights in respect to the vacated land for the construction or repair and maintenance of public utilities and services; provided that the City Council may, if no vested rights are impaired, modified, or changed, omit or add provisions or stipulations as conditions to the granting of petitions for vacation. When the City Council deems it to be in the best interest of the City, it may authorize refund of all or any part of the filing fee; provided that all conditions with respect to such vacations, as are determined by the City Attorney, shall be fulfilled prior to the time the ordinance vacating the street or alley is introduced for final reading. Upon final passage of the street vacation ordinance, copies shall be distributed by the City Clerk to all the City departments having an interest in the ordinance.

(Ord. 27175 § 8; passed Dec. 16, 2003; Ord. 20444 § 1; passed Jun. 10, 1975)

9.22.090 Compensation and appraisal fees.

In all instances where compensation for the vacated right-of-way is herein provided, an appraisal of the right-of-way proposed for vacation shall be made. The City Attorney shall determine whether a fee appraiser shall be employed or whether qualified City staff personnel shall make such appraisal. When the appraisal is made by City staff personnel, a reasonable hourly rate shall be charged.

In those instances where compensation shall be payable, the petitioner shall, upon notice, remit the appraisal cost to the City Treasurer.

Upon securing the appraisal of the street or alley area to be vacated, the Public Works Department shall notify the petitioner or petitioners of the amount to be paid, and said amount shall be deposited with the City Treasurer within 90 days of said notice. Upon written notice to the Public Works Department that such deposit with the City Treasurer has been made or provided for, and all other conditions of the vacation have been met or provided for, the City Attorney shall prepare the vacation ordinance for presentation to the City Council for final reading. The vacation proceedings shall be abandoned in the event the petitioner or petitioners fail to make any of the payments for appraisal fees or compensation within the time limits as herein provided, or, if any other condition is not met within 90 days of said notice, unless good cause is shown for such delay. For good cause, a delay not to exceed 180 days may be granted. In the event that all conditions are not made within such 180-day extension, the vacation proceedings shall be abandoned.

(Ord. 27466 § 31; passed Jan. 17, 2006; Ord. 27175 § 9; passed Dec. 16, 2003; Ord. 20803 § 1; passed Jul. 13, 1976; Ord. 20444 § 1; passed Jun. 10, 1975)

9.22.100 Petition not granted or abandoned.

In the event City Council approval on the petition for the requested vacation should not be granted, or such vacation proceedings should be abandoned by the petitioner, the petitioner shall be relieved from the obligation to fulfill conditions with respect thereto. In any event, the filing fee paid by the petitioner shall be retained by the City except as provided in Section 9.22.080 hereof. The Public Works Department shall notify the interested City departments if vacation proceedings are abandoned by the petitioner prior to City Council consideration of said petition. If the vacation is disapproved by the City Council or abandoned by the petitioner after Council consideration, such notification shall be given by the City Clerk.

(Ord. 27466 § 32; passed Jan. 17, 2006; Ord. 27175 § 10; passed Dec. 16, 2003; Ord. 20444 § 1; passed Jun. 10, 1975)

CHAPTER 9.24
MINIMUM VERTICAL CLEARANCE

Sections:

- 9.24.010 Minimum vertical clearance established.
- 9.24.020 Violation – Penalty.

9.24.010 Minimum vertical clearance established.

There is hereby established a minimum vertical clearance of 16 feet upon Taylor Way, between a point at the corporate limits of the City of Tacoma in the southeast quarter of the southeast quarter of Section 36, Township 21 North, Range 3 East, W.M., proceeding northwesterly through the Tideflats area crossing Lincoln Avenue and proceeding further to a point at its termination and intersection with East 11th Street within the southwest quarter of the southwest quarter of Section 26, Township 21 North, Range 3 East, W.M., which public street of the City of Tacoma is hereby established as a part of the Defense Highway route through the City of Tacoma to the Port area.

(Ord. 16893; passed Oct. 3, 1961)

9.24.020 Violation – Penalty.

Any person who shall erect or maintain any obstruction, structure, utility or service apparatus with less than the minimum vertical clearance shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding \$300.00 or by imprisonment in the County Jail for a term not exceeding 90 days, or both such fine and imprisonment.

(Ord. 16893; passed Ord. 3, 1961)

CHAPTER 9.26
SPECIAL LIGHTING PERMITS

Sections:

- 9.26.010 Requirement.
- 9.26.020 Purpose.
- 9.26.030 Terms and conditions.
- 9.26.040 Revocation.
- 9.26.050 Expense of removal of lighting installations.
- 9.26.060 Penalty for violations.

9.26.010 Requirement.

It shall be unlawful for any person, firm or corporation to erect or maintain any light or light standard over or across any public street or alley, without having first obtained a special lighting permit in writing from the City of Tacoma.

(Ord. 17542 § 1; passed Feb. 18, 1964)

9.26.020 Purpose.

A special lighting permit may only be issued for the purpose of illuminating open sales areas, including used car lots and other areas used for the outside storage of automobiles.

(Ord. 17542 § 1; passed Feb. 18, 1964)

9.26.030 Terms and conditions.

The issuance and maintenance of any special lighting permit shall be subject to the following terms and conditions:

- A. Before any special lighting permit shall be issued, the applicant shall be required to file a detailed plan of the proposed installation, showing the size, height, materials used, location, manner of construction of the supporting standards, and any other information or data which may be requested by the Director of Public Works.
- B. Such lights and light standards shall be erected so as to maintain a minimum clearance of 20 feet above the ground.
- C. The vertical supporting structure shall not be located on or over the public right-of-way.
- D. No portion of the luminaire or supporting bracket shall extend beyond a point which is two feet measured horizontally on the property side of the curb or curblane of the adjacent street.
- E. The lights shall not be erected or maintained in such a manner as to interfere with a clear view of any traffic light or other traffic control device, or in any manner tending to confuse persons using the streets.
- F. Lighting units shall be designed and installed in such manner that residential properties will not be subjected to direct light from such installations, and, in no event, shall unshielded bulbs be permitted.
- G. Such lighting units shall in no way interfere with any lighting circuits or lines, or any other utility facilities, either public or private. Whenever it is necessary to move such facilities to accommodate lighting units, the relocation costs shall be borne by the permittee.
- H. The Director of Public Works may promulgate rules and regulations which shall be consistent with, and assist him with, the administration of the issuance of permits pursuant to this chapter.

(Ord. 17542 § 1; passed Feb. 18, 1964)

9.26.040 Revocation.

The permit herein provided for shall be a temporary permit and revocable at any time by the Director of Public Works. The continuance of the installation shall be consistent with the needs of the public in the use of the street right-of-way. In addition, the Director of Public Works may revoke the permit for any failure of the permittee to meet the terms and conditions specified in Section 9.26.030.

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The Director, upon the revocation of the permit as herein provided, shall notify the permittee of the revocation by mailing written notice of such revocation to him at the premises covered by such permit. The permittee shall thereupon immediately proceed with the removal of the lighting installations covered by the permit, and complete such removal within 20 calendar days of the mailing of such notice, or within such further period of time as may be granted by the Director of Public Works.

(Ord. 17542 § 1; passed Feb. 18, 1964)

9.26.050 Expense of removal of lighting installations.

The modification or removal of the lighting installations, either at the instigation of the permittee or pursuant to the direction of the Director of Public Works shall be at the sole cost and expense of the permittee.

(Ord. 17542 § 1; passed Feb. 18, 1964)

9.26.060 Penalty for violations.

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor, and each of such persons shall be deemed guilty of a separate offense for each and every day or portion thereof in which any violation of any of the provisions of this chapter is committed, continued, or permitted, and, upon the conviction of any such violation, shall be punished by a fine of not more than \$300.00 or by imprisonment in the County Jail for a period of not exceeding 90 days, or, in the discretion of the court, by both such fine and imprisonment.

(Ord. 17542 § 1; passed Feb. 18, 1964)

CHAPTER 9.28

REPEALED

PEDESTRIAN MALL

Repealed by Ord. 28362

(Repealed by Ord. 28362 Ex. A; passed Jun. 7, 2016: Ord. 23560 § 1; passed Feb. 4, 1986: Ord. 23183 §§ 1, 2, 3; passed May 22, 1984: Ord. 20088 §§ 1, 2; passed Apr. 9, 1974: Ord. 19520 § 1; passed Feb. 15, 1972)

CHAPTER 9.30

REPEALED

FOURTH OF JULY CONCESSIONS

Repealed by Ord. 28618

(Repealed by Ord. 2818 Ex. A; passed Oct. 8, 2019: Ord. 22708 § 1; passed Jun. 1, 1982)

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CHAPTER 9.35
HYDROPLANE RACES

Sections:

- 9.35.010 Declaration of purpose.
 9.35.020 Hydroplane races – Designation of public parks, open space and right-of-way for spectator use.
 9.35.030 Admission charges.
 9.35.040 Temporary improvements on public property.
 9.35.050 Revenues.
 9.35.060 *Repealed.*

9.35.010 Declaration of purpose.

The Council of the City of Tacoma does hereby declare that it is in the best interests of the public health, safety, and general welfare of the citizens of the City of Tacoma that the citizens be able to observe and enjoy boat racing, including limited and unlimited hydroplane racing, on Commencement Bay and, to the extent necessary for these purposes, that the City permit the closure of certain streets, parks, and other public areas to general pedestrian and vehicular access to provide appropriate traffic and crowd control and to minimize adverse effects on the surrounding neighborhood, and, further, authorizing admission and parking fees to provide revenue for the costs of operating and conducting the event and providing funds for other civic enterprises, including the acquisition of additional park or open space land or improvements thereto.

(Ord. 22759 § 1; passed Aug. 10, 1982)

9.35.020 Hydroplane races – Designation of public parks, open space and right-of-way for spectator use.

At such time as boat races, including limited and unlimited hydroplanes and related events, are scheduled to be held upon Commencement Bay, the City may provide for the limited closure of appropriate streets, highways, parks, open spaces, and other public areas to be devoted exclusively to use by spectators for viewing of races and the parking of spectators' automobiles.

(Ord. 22759 § 1; passed Aug. 10, 1982)

9.35.030 Admission charges.

The City may, itself, or authorize a proper non-profit civic organization to, levy admission charges for spectators to view the hydroplane races from public property, including, but not limited to, portions of public parks and open spaces under City control; provided, however, that at all times the charges to be assessed for admission and parking shall be reviewed and approved as to reasonableness by appropriate officers of the City.

(Ord. 22759 § 1; passed Aug. 10, 1982)

9.35.040 Temporary improvements on public property.

An organization authorized to conduct hydroplane or other boat races and utilize public property for parking and spectator viewing may, in addition, be granted authority to erect or locate bleachers, concession stands, and chemical toilets upon such public property subject to its assumption of the obligation to remove same within a reasonable time after the completion of the boat racing event. Such organization shall be required to post a bond or cash deposit guaranteeing the removal of its temporary improvements, the cleanup of garbage, litter, and debris, and the payment of all fees, taxes, and charges due the City of Tacoma.

(Ord. 22759 § 1; passed Aug. 10, 1982)

9.35.050 Revenues.

In addition to tax liability under the general ordinances of the City of Tacoma, the City shall receive a proportionate share of the gross revenues produced by admission charges, the tie-up fees of pleasure craft to a log boom, and the sale of food, beverages, and novelties by the organization or a concessionaire employed by it. The organization shall account to the City with respect to such revenues generated by the event, which revenues shall be used exclusively for the reasonable expenses of

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conducting the event and other civic enterprises. The City shall use its portion of such proceeds for paying the additional expenses of City personnel and equipment required as a result of the event. To the extent that the City's portion of the revenue exceeds that amount, the same shall be utilized for the acquisition or improvement of parks and open spaces.

(Ord. 22759 § 1; passed Aug. 10, 1982)

9.35.060 Noise ordinance exemption. *Repealed by Ord. 27673.*

(Ord. 27673 § 9; passed Feb. 19, 2008; Ord. 22759 § 1; passed Aug. 10, 1982)

CHAPTER 9.40

REPEALED

SIDEWALK VENDING

Repealed by Ord. 25780

(Ord. 25780 § 2; passed Mar. 12 1996)

