



**SUBSTITUTE
ORDINANCE NO. 28799**

1 BY REQUEST OF DEPUTY MAYOR WALKER AND COUNCIL MEMBERS
2 HUNTER, HINES AND USHKA, ~~AND WALKER~~

3 AN ORDINANCE relating to Public Ways; amending, renaming and renumbering
4 Chapter 9.16 of the Tacoma Municipal Code, relating to Streets and
5 Sidewalks - Keeping Clean, by adding twothree new sections to prevent
6 obstruction and damage to sidewalks from the loading, unloading and
7 transport of goods, establishing a sidewalk right-of-use permit process, and
8 amending the penalty provision to align with Tacoma’s Uniform Enforcement
9 Code.

10 WHEREAS the Tacoma Municipal Code does not have protections for City
11 sidewalks from obstruction and damage caused by loading, unloading and
12 transportation of goods using machinery, and

13 WHEREAS the City’s sidewalks are part of its transportation system and
14 therefore it is important they are maintained in a safe, open and usable condition,
15 and

16 WHEREAS sidewalks represent a major investment by the citizens of
17 Tacoma; damaged sidewalks can pose a hazard to pedestrians so maintaining
18 conditions of sidewalks help reduce the potential for injury; Now, Therefore,

19 BE IT ORDAINED BY THE CITY OF TACOMA:

20 Section 1. That the foregoing Recitals are hereby adopted as the City
21 Council’s legislative findings.

22 Section 2. That the proposed amending, renaming and renumbering of
23 Chapter 9.16 of the Tacoma Municipal Code (“TMC”), relating to Streets and
24 Sidewalks - Keeping Clean, by adding twothree new sections to prevent
25 obstruction and damage to sidewalks from the loading, unloading and transport of
26 goods, establishing a sidewalk right-of-use permit process, and amending the



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penalty provision to align with Tacoma’s Uniform Enforcement Code, is hereby approved.

Section 3. That Chapter 9.16 of the TMC, “Streets and Sidewalks - Keeping Clean,” is hereby amended as set forth in the attached Exhibit “A.”

Section 4. That in codifying this Ordinance the City Clerk is authorized to make adjustments to headings, subsections, and other adjustments necessary to organize this code in an accessible and understandable manner without changing any substantive language.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

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**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~~y~~.

* * *

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 continuous manner without utilizing the sidewalk, even temporarily, for storage, unless a special right-of-use permit has been obtained, and with dispatch and the sidewalk cleared of all such articles without delay. During loading and unloading, an adequate portion of the sidewalk shall be kept open at all times for use by pedestrians.

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.

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.



9.16.060 Violation – Penalties.

1 Any person or entity violating any of the provisions hereof shall be subject to all penalties and enforcement
2 processes in the Uniform Enforcement Code, Chapter 1.82 of the Tacoma Municipal Code, ~~upon conviction~~
3 ~~thereof, fined in any sum not exceeding \$300.00 or imprisoned in the County Jail for a period of not~~
4 ~~exceeding 90 days, or both, in the discretion of the Court.~~

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TO: Elizabeth Pauli, City Manager
FROM: Council Member Catherine Ushka
COPY: City Council and City Clerk
SUBJECT: **Substitute Ordinance - Relating to Public Ways; amending, retitling and renumbering Chapter 9.16 to add three new sections to prevent obstruction and damage to sidewalks from the loading, unloading and transport of goods, establishing a sidewalk right-of-use permit process, and amending the penalty provision to align with Tacoma's Uniform Enforcement Code – February 7, 2023**
DATE: Updated 1/31/2023

SUMMARY & PURPOSE:

An ordinance relating to Public Ways; amending, retitling and renumbering Chapter 9.16 to add three new sections to prevent obstruction and damage to sidewalks from the loading, unloading and transport of goods, establishing a sidewalk right-of-use permit, and amending the penalty provision to align with Tacoma's Uniform Enforcement Code.

[Council Member Catherine Ushka]

COUNCIL SPONSORS:

Deputy Mayor Walker and Council Members Hines and Ushka

BACKGROUND:

This Council Member's Recommendation is Based On:

The Tacoma Municipal Code does not have protections for City sidewalks from obstruction and damage caused by loading, unloading and transportation of goods using machinery. The City's sidewalks are part of its transportation system and therefore it is important they are maintained in a safe usable condition. Sidewalks represent a major investment by the citizens of Tacoma. Inaccessible and damaged sidewalks can pose a hazard to pedestrians so maintaining conditions of sidewalks help reduce the likelihood of someone getting injured.

This policy proposal is intended to preserve critical infrastructure for the following reasons:

- The City holds developers accountable to building sidewalk infrastructure, which is expensive to initially build and to replace. Putting preservation standards in place will respect and make the most of this investment of private funds.
- The City also makes substantial investment in sidewalk infrastructure with public funds. We owe it to tax payers to preserve these investments for the public good.
- Recent large investments by the City are intended to be economic development enhancements in lower opportunity neighborhoods, such as the Lincoln District Revitalization project and Links to Opportunity in the hilltop. Preserving these investments is an economic driver and will ensure investments in low opportunity communities have long-term positive impacts.
- Access to sidewalks is an equity issue. Lower opportunity neighborhoods already have fewer sidewalks than higher opportunity neighborhoods. We must preserve what is currently available.

COMMUNITY ENGAGEMENT/ (CUSTOMER RESEARCH):

The Tacoma Transportation Commission and City of Tacoma staff developed the City's first Transportation Master Plan (TMP) that was adopted in 2015. The Plan was developed with extensive community outreach that highlighted how residents value certain characteristics of the community, including safe streets and sidewalks.



Constituents contacted Council Members to raise concerns about sidewalks being damaged and blocked from public use, launching research of City policies to preserve sidewalk infrastructure.

Business community leaders, including neighborhood business districts, neighborhood councils, and the Downtown Tacoma Partnership, were asked to review and offer feedback on the policy. A community foodbank operator requested more time to discuss the proposed ordinance language. Sponsors paused consideration of this ordinance to meet and discuss unintended impacts before bringing forward a substitute ordinance that offers more ways for the City to work with local businesses and nonprofits that need to load and unload goods into their storefronts.

2025 STRATEGIC PRIORITIES:

Equity and Accessibility:

Access to sidewalk infrastructure is an equity issue in Tacoma. The historic disparities caused by redlining and inequitable public investment are still present in our communities today, leaving lower-opportunity communities with fewer sidewalks. The City has recognized this disparity and made historic investments in lower-opportunity neighborhoods. Access for people with disabilities is also an important aspect of the pedestrian system. As such, the City has placed substantial recent investments in the completion of a Mobility Master Plan (MoMaP), planning, design, and construction of walking and bicycling facilities. This proposed policy change will provide legal authority to preserve the investments being made so they can have long-term positive impacts where most needed.

Economy/Workforce: *Equity Index Score: Moderate Opportunity*

Increase the number of infrastructure projects and improvements that support existing and new business developments.

Increase positive public perception related to the Tacoma economy.

Livability: *Equity Index Score: Moderate Opportunity*

Increase the number of Complete Compact Communities/ 20-Minute Neighborhoods throughout the city.

Increase positive public perception of safety and overall quality of life.

How does your policy, program, or service help or harm the health of the natural environment?² (e.g. reduction in carbon emissions, open space conditions, sustainability, clean air, water and soil, and noise and light pollution).

Sidewalk infrastructure improves our economic vitality, especially in mixed use centers and business districts that benefit from pedestrian access and curbside appeal. Adding protections for businesses from their sidewalks being damaged will also improve economic security for local businesses. These protections also benefit the livability of Tacoma, by preserving accessible infrastructure needed for compact communities and to provide alternative transportation options that will reduce emissions and preserve the natural environment.

ALTERNATIVES:

Alternative	Positive Impacts	Negative Impacts
1. Take no action.	Maximum flexibility for sidewalk use.	Lack of policy to preserve sidewalks.
2. Review policy proposal options in Council Committee.	More time for Council Members to review policy and consider options.	Slower response to constituent request for policy to preserve sidewalk infrastructure.



City of Tacoma

City Council Action Memorandum

EVALUATIONS AND FOLLOW UP:

City Manager should direct staff to report back to Council on implementation of policy changes at the Community, Vitality and Safety Committee.

SPONSOR RECOMMENDATION:

The recommendation is to adopt the proposed ordinance in order to prevent obstruction and damage to sidewalks from the loading, unloading and transport of goods, establishing a sidewalk right-of-use permitting process, and amending the penalty provision to align with Tacoma's Uniform Enforcement Code.

FISCAL IMPACT:

No fiscal impact to adopting the code/language change.