



## ORDINANCE NO. 28561

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

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

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

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

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

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

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

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

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

BE IT ORDAINED BY THE CITY OF TACOMA:

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

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

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:  
  
\_\_\_\_\_

City Clerk

Approved as to form:

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Deputy City Attorney



## EXHIBIT "A"

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

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

#### Building:

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

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#### Plumbing:

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



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

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

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

~~Exceptions:~~

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

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**2.09.010 Purpose.**

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

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

**2.09.020 Adjustments.**

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

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

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

**2.09.030 Fee refunds and exemptions.**

A. Fee refunds.

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



- 1 a. A written request is made by the Permit Applicant.
- 2 b. The period of time since the permit was issued is less than 180 days.
- 3 c. The work approved to date does not present negative visual, health, safety, environmental, or fiscal impacts
- 4 to adjacent
- 5 properties or the neighborhood.
- 6 d. The permit has not been revoked by the Building Official.
- 7 e. The following charges shall be deducted from any fee amount that may be refunded:
- 8 (1) Dedicated fund charges including the Technology Fund, Emergency Preparedness Fund, Natural
- 9 Resources Fund, and Reserve Fund, and
- 10 (2) State Building Code fee and other applicable sales taxes and charges, and
- 11 (3) Metered parking charges, where applicable, and
- 12 (4) Minimum Counter Transaction fee per the PDS Fee Schedule, or
- 13 (5) Twenty-five percent of the permit fee as calculated from the PDS Fee Schedule, whichever is greater.

14 2. Plan Review Fees. In the event of abandonment or discontinuance of work, or as otherwise approved, a

15 refund of a portion of the plan review fee may

16 be approved subject to the following:

- 17 a. The period of time since the permit application has been submitted is less than 180 days.
- 18 b. Review of the permit has not started.
- 19 c. The following charges shall be deducted from any fee amount that may be refunded:
- 20 (1) Dedicated fund charges, including the Technology Fund, Emergency Preparedness Fund, Natural
- 21 Resources Fund, and Reserve Fund, and
- 22 (a) State Building Code fee and other applicable sales taxes and charges, and
- 23 (b) Metered parking charges, where applicable, and
- 24 (c) Minimum Counter Transaction fee per the PDS Fee Schedule, or
- 25 (d) Twenty-five percent of the plan review fee as calculated from the PDS Fee Schedule, whichever is greater.

26 d. Where the PDS Director has approved a refund for either all or a portion of the plan review fee for a new commercial building permit upon the applicant's submittal of a refund request in accordance with PDS' Fast, Friendly, or Free guarantee.

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**2.19.030 Site development.**

A. Standards

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

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

B. Permits Required

1. Permits Required. Except as specified in subsection 2.19.030.B.3, no person shall do any grading and/or clearing in the City of Tacoma without first having obtained a ~~Clearing and Grading permit from the Building Official~~ Site Development Permit.

2. Application. Application for a ~~clearing and grading~~ Site Development ~~Permit~~ shall be accompanied by plans and, as applicable, specifications, and shall conform to the provisions of IBC Section 106. In addition, the application shall state the estimated quantities of excavations, fills, grubbing, and relocation of soil in



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

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

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

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

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

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

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

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

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

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

d. Refuse disposal sites controlled by other regulations.

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

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

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

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