



ORDINANCE NO. 29101

1 AN ORDINANCE relating to appeals authority; amending various sections of
2 Titles 1, 2, and 3 of the Municipal Code, relating to Administration and
3 Personnel, Building and Development Code, and Fire, to place appeals
4 to building and fire codes under the authority of the Hearing Examiner,
5 and to eliminate the Board of Building Appeals, effective April 28, 2026.

6 WHEREAS when a decision is made by the Building Official or the Fire
7 Code Official and that decision is believed to be incorrect, there is an opportunity
8 for appeal, and

9 WHEREAS City staff are proposing an ordinance to change the method
10 for the means of appeals to building and fire codes by eliminating the Board of
11 Building Appeals and placing such appeals under the authority of the Hearing
12 Examiner, due to zero appeals having been brought to the Board of Building
13 Appeals ("Board") in the last decade, and

14 WHEREAS recruitment for the Board has been challenging as the members
15 must have the technical knowledge and experience necessary to understand any
16 appeals brought to them, and if a fully staffed Board cannot be maintained, it may
17 leave developers, design professionals, businesses, and residents without a
18 means to appeal decisions made by the Building Official and the Fire Code Official,
19 and
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21 WHEREAS the use of the Hearing Examiner for appeals of decisions made
22 by the Building Official is common, and some regional examples of cities that use
23 their Hearing Examiner for appeals to building and fire codes are Bellevue,
24 Spokane, Everett, and Kent, and
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1 WHEREAS the purpose of this ordinance is to amend the Tacoma
2 Municipal Code, Titles 1, 2, and 3, to change the method for the means of
3 appeals to building and fire codes by eliminating the Board and placing such
4 appeals under the authority of the Hearing Examiner; Now, Therefore,
5

6 BE IT ORDAINED BY THE CITY OF TACOMA:

7 Section 1. That the City Council hereby adopts the Recitals of this
8 Ordinance as its formal legislative findings.
9

10 Section 2. That Titles 1, 2, and 3 of the Municipal Code are hereby
11 amended by amending various sections, to change the method for the means
12 of appeals to place appeals to building and fire codes under the authority of the
13 Hearing Examiner, and to eliminate the Board of Building Appeals, effective
14 April 28, 2026, as set forth in the attached Exhibit "A."
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Section 3. That the City Clerk, in consultation with the City Attorney, is authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Chief Deputy City Attorney

EXHIBIT “A”

CHAPTER 1.23 HEARING EXAMINER

* * *

1.23.050 Areas of jurisdiction.

A. The Examiner shall receive and examine relevant information, conduct public hearings, maintain a record thereof, and enter findings of fact, conclusions of law, and recommendations to the City Council or other order, as appropriate, in the following matters:

1. Applications for rezoning of property (Chapter 13.05; Section 13.06.030);
2. Formation of Local Improvement Districts (Chapter 10.04);
3. Approval of Local Improvement District assessments (Chapter 10.04);
4. Dangerous sidewalks proceedings (Chapter 10.18);
5. Petitions for street and alley vacations (Chapter 9.22);
6. Appeals of administrative determinations to the City Council if delegated under TMC 1.06.820; and
7. Appeals arising under the City’s Code of Ethics as set forth in TMC 1.46.025.F, and 1.46.040.F and G. Hearing Examiner recommendations under this subsection shall be to the person(s) or body responsible for acting on the Hearing Examiner’s order or recommendation.

B. In regard to the matters set forth below, the Examiner shall conduct adjudicative proceedings, maintain a record thereof, and enter findings of fact, conclusions of law, and a final decision or other order, as appropriate:

1. Applications for preliminary plat approval for subdivisions exceeding nine lots (Chapter 13.04);
2. Appeals from decisions of the Director of Planning and Development Services (Chapters 13.05 and 13.06);
3. Appeals from decisions denying a street tree permit pursuant to Chapter 9.20 TMC;
4. Appeals from the decisions or order of the Health Officer regarding violations of the Infectious Waste Management Code (Section 5.04.170);
5. Appeals from the Health Officer’s denial of a permit to operate a swimming pool under Chapter 5.50 (Section 5.50.030);
6. Appeals from denial or revocation of a permit for sidewalk vending (Section 6B.180.120);
7. Appeals regarding determinations of unlawful discriminatory practice under the Human Rights Commission chapter (Chapter 1.29);
8. Appeals from determinations of the Chief of Police, or his or her designee, regarding Potentially Dangerous Dogs and Dangerous Dogs (Chapter 17.04);
9. Appeals arising out of the Tax and License Code (Title 6);
10. Appeals arising out of the City Environmental Code, Chapter 13.12 (Sections 13.12.540 and .820);
11. Appeals arising under the City’s commute trip reduction ordinance (Chapter 13.15);
12. Actions brought under the City’s Whistle Blower Policy;
13. Appeals from the film production coordinator’s decisions regarding productions of motion pictures within the City (Section 11.10.140);
14. Appeals from denial of special permits regarding solid waste recycling (Section 12.09.070);
15. Matters referred for adjudication by the Civil Service Board under its rules of procedure (Charter Section 6.11(c));
16. Appeals arising under the City’s concurrency management ordinance (Chapter 13.16);
17. Hearing of violations of the City’s Ethics Code (Chapter 1.46);

18. Appeals from the Environmental Services Director's determination of civil penalties or any other charge, order, requirement, decision, or determination issued by the Director or his or her staff pursuant to the sewage disposal and drainage regulations ordinance (Chapter 12.08);
19. Appeals from the Environmental Services Director's determination of civil penalties for violations of the solid waste ordinance and appeals arising out of the imposition by the Director, or his or her staff, of solid waste utility charges; provided, that the Hearing Examiner shall not adjudicate claims with respect to any rate set by the City Council in a rate ordinance nor hear any challenge to the rate-making process (Chapter 12.09);
20. Appeals from the decision of the Community and Economic Development Department Director denying or canceling a final Certificate of Tax Exemption under Tacoma's Mixed-Use Center Development ordinance (Chapter 13.17);
21. Appeals arising from the imposition of charges for service issued by the Department of Public Utilities, as well as those arising from disputes concerning utility service, use of watershed or other Department property, and termination of any use; provided, that the Hearing Examiner shall not adjudicate claims with respect to any rate set by the City Council in a rate ordinance nor hear any challenge to the rate-making process (Chapters 12.06 and 12.10);
22. Appeals arising out of the City's Minimum Building and Structures Code (Chapter 2.01);
23. Appeals from sign enforcement (Section 13.06.520 - .522);
24. Applications for projects that require land use permits from the City of Tacoma as well as from a neighboring jurisdiction transferred to the jurisdiction of the Hearing Examiner in accordance with Section 13.05.040.F;
25. Appeals from Chronic Nuisance Code enforcement (Section 8.30A.080);
26. Appeals arising from a decision to deny a special street use permit, pursuant to Subtitle 16B;
27. Appeals arising from a decision to deny a telecommunications system franchise, pursuant to Subtitle 16B;
28. Appeals arising from a decision to deny a telecommunications system license, pursuant to Subtitle 16B;
29. Appeals arising from the establishment of a reimbursement assessment area and levying of a reimbursement assessment upon benefited property owners, pursuant to Chapter 35.72 RCW and applicable City ordinances;
30. Applications for wetland and stream development permits, wetland and stream assessments, and wetland delineation verifications in conjunction with a preliminary plat approval or reclassification (Chapter 13.11);
31. Appeals regarding overpayment of wages (Section 1.12.071);
32. Administrative hearings related to the breach or termination of cable television franchises granted, pursuant to Subtitle 16A;
33. Applications for Conditional Use Permits (Section 13.06.640);
34. Appeals from Poultry and Pigeons enforcement (Section 5.30.040);
35. Appeals from determinations related to certification and enforcement of violations for Small Business Enterprise (Chapter 1.07).
36. Appeals arising out of the Nuisance Code (Chapter 8.30).
37. Appeals arising out of the Public Nuisance Vehicle Code (Chapter 8.23).
38. Appeals arising out of the Noise Code (Chapter 8.122).
39. Appeals from the decision of the Landmarks Preservation Commission regarding Certificates of Approval (Section 13.05.047.G).
40. Appeals arising from violations of the Rental Housing Code (Chapter 1.95).
- [41. Appeals arising from orders, decisions, or determinations made by the building official relative to the application and interpretation of the City's Building Code \(Chapter 2.02\), Plumbing Code \(Chapter 2.06\), Mechanical Code \(2.07\), and Energy Code \(Chapter 2.10\)](#)
- [42. Appeals arising from orders, decisions, or determinations made by the fire code official relative to the application and interpretation of the City's Fire Prevention Code \(Chapter 3.02\).](#)

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TITLE 2

BUILDING AND DEVELOPMENT CODE

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CHAPTER 2.01
MINIMUM BUILDING AND STRUCTURES CODE

2.01.050 Administration and Process.

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

A. Initiation of Enforcement.

Initial enforcement may be undertaken against buildings or properties, whenever:

1. The Building Official, Director of any City of Tacoma Department, Director of the Tacoma-Pierce County Health Department, Police Chief, or Fire Chief, or their duly authorized representatives, have reason to believe that a violation of this Code exists.
2. A complaint is filed with the City of Tacoma by any person. Complaints may be received either verbally or in writing, and may be anonymous. Where complaints have been filed by tenants, the tenant first must exhaust all remedies provided through the Washington State Landlord Tenant Act.

B. Inspection and Evaluation of Buildings and Property.

During the initial inspection, the Building Official shall evaluate the property in accordance with Tables A, B, and C. Any violations noted will determine the classification of the building for purposes of enforcement. Groups of buildings on the same property may be processed under a single complaint process.

C. Classifications of Buildings or Structures.

1. Non-Standard Property.

A building or structure which receives 25 to 49 violation points, as indicated on Table A, may be considered a “non-standard” property. The owner may be sent a letter describing the conditions and the appropriate actions for mitigating these conditions. The owner may be advised, in writing, that the property is in a declining state, and that if conditions worsen, more formal mitigating actions may be undertaken.

2. Substandard Building or Structures.

“Substandard Building or Structures” means any building or structure, whether residential or commercial, with a minimum of 50 points based on violations as outlined in Table A. By definition, Substandard Buildings or Structures are fit for human occupancy. Substandard Buildings or Structures are hereby declared a nuisance under Chapter 8.30.

3. Derelict Buildings or Structures.

a. “Derelict Buildings or Structures” means any building or structure, whether residential or commercial, which is not approved for human occupancy based on one or more of the violations outlined in Table B.

b. Derelict Buildings or Structures shall be posted “MUST NOT BE OCCUPIED.” See Subsection H, Posting of Buildings. Utility restraints may be placed on such buildings or structures. See Subsection I, Utility Restraints. Derelict Buildings which are posted shall not be occupied for any purpose until repaired. The Derelict Building shall only be authorized to be entered for preparing a repair plan and schedule to be submitted to the Neighborhood and Community Services Department for approval. Upon approval of the repair plan and schedule, the owner, or his or her representative, will be authorized to enter the building to effect repairs. No other entry or occupancy of the building shall be permitted unless approved by the Building Official.

EXCEPTION: If the Derelict Building is occupied, the Building Official may grant an extension as to when the building will be vacated and whether a posting or utility restraint is required.

4. Unfit Buildings or Structures.

a. “Unfit Buildings or Structures” means any building or structure, whether residential or commercial, having conditions or defects which endanger the health, safety, or welfare and its occupants or the public based on the one or more of the violations listed in Table C.

b. Unfit Buildings or Structures shall be posted “MUST NOT BE OCCUPIED.” See Subsection H, Posting of Buildings. Utility restraints shall be placed on such buildings or structures. See Subsection I, Utility Restraints. Unfit Buildings which are posted shall not be occupied for any purpose until repaired. The building shall only be authorized to be entered for preparing a repair plan and schedule to be submitted to the Neighborhood and Community Services Department for approval. Upon approval of the repair plan and schedule, the owner, or his or her representative, will be authorized to enter the building to perform the repairs. No other entry or occupancy of the building shall be permitted until the repairs are completed and approved by the Building Official.

D. Substandard and Derelict Building Enforcement Procedures.

1. Owner Notification.

a. When any property has been classified as being “Substandard” or “Derelict,” the owner shall be notified by first-class mail, describing the violations. The owner shall be given 21 calendar days from the date of the notice to respond to the Building Official to negotiate a repair plan and schedule as outlined in subsection D.2.

b. If the building is classified as “Derelict,” the owner may be given ten calendar days from the date of the notice to secure the building in accordance with Section 2.01.070, Unoccupied or Vacant or Partially Secured Building Standards. In addition, such notification will state that either an Eminent Domain Condemnation Proceeding, Unfit Building Proceeding or a Derelict Building Property Registration may be initiated as authorized by this chapter.

c. The owner shall also be given 21 calendar days from the date of the notice to respond to the Building Official to negotiate a repair plan and schedule as outlined in section D.2 below.

d. When a building or structure, or any aspect of a building or structure, is declared Substandard or Derelict, it shall be repaired to the minimum building requirements set forth in Section 2.01.060.

2. Response to Notification.

The response to the City shall be the development of a repair plan and schedule for the building repairs, agreed upon by the owner and the City. The schedule shall include:

a. Time for submitting acceptable construction plans, specifications, and calculations when required for the repair of the building or structure.

b. Time for repairing the building or structure once a building permit has been issued. Once the plans and specifications have been approved for permitting, the permit shall be obtained within seven calendar days of notification that the permit is ready.

c. If permits are not required, the repair plan and schedule shall outline when the violations identified in the Substandard or Derelict Property Report will be corrected.

EXCEPTION:

The Building Official may grant extensions to the repair plan and schedule or agree to an alternative repair plan and schedule for sufficient reasons, upon written request. Such requests must be filed with the Building Official prior to the deadlines set for the completion of the construction.

3. Penalties and Certificate of Complaint.

a. In the event a valid response to the first notice is not timely received, a civil penalty in the amount of \$250 may be assessed. These penalties are intended to be only for remedial purposes. A new letter stating the assessment of penalties shall be sent by first-class mail. The owner shall be given ten calendar days from the date of the second letter to respond and to negotiate a repair plan and schedule with the Neighborhood and Community Services Department for correcting the violations.

b. The process described above may be repeated and a civil penalty may be assessed every day until such time as there is a valid response. In the event that no response is received and assessed penalties are equal or exceed \$500, the City may file a Certificate of Complaint with the Pierce County Auditor to be attached to the title of the property. A copy of the Certificate of Complaint shall be sent to the property owner.

- c. Penalties shall be billed to the owner. Penalties unpaid after 60 calendar days may be referred to a collection agency for collection.
- d. Each day that a property or person is not in compliance with the provisions of this chapter may constitute a separate violation of this chapter.
- e. Reinspection and Penalties. Once a valid response is received and a schedule is set, the property shall be reinspected upon request by the owner to assess that progress is being made in correcting the violations and adhering to the agreed-upon schedule. If progress, in accordance to the schedule, is not being made to the satisfaction of the Building Official, or the owner has not scheduled a required inspection, penalties may be issued up to \$250 per day.
- f. The Building Official may also issue penalties in the amount of \$250 per day if, after the initial contact, any of the following occur:
- i. the owner fails to submit a repair plan and schedule; or
 - ii. the owner and the City cannot agree upon a repair plan and schedule, or extension thereto, or
 - iii. the owner fails to adhere to the repair plan and schedule.
- g. This penalty procedure shall be repeated in accordance with this section until satisfactory progress is made.

4. Violations Corrected.

Once the building, structure, and property violations have been corrected to the satisfaction of the Building Official, the case shall be closed and any Certificates of Complaint filed with the Pierce County Auditor against the title of the property shall be removed by the City upon payment of any assessed penalties and any costs incurred by the City for securing the property. The costs related to a Derelict Building case, where the building or structure is not approved for occupancy, shall be recovered pursuant to Revised Code of Washington ("RCW") 35.80.030(1)(h) and subsection G.

5. Reviews by the Building Official.

- a. General. Any person who receives a Notice of Violation for a Substandard or Derelict Building(s) or a civil penalty may request an administrative review of the notice or penalty.

An appeal of a civil penalty shall be limited to assessing any progress which the property owner has made in correcting the violations identified in the first notice, or the property owner's compliance with the repair plan and schedule that led to the issuance of the civil penalty.

- b. How to Request Administrative Review. A person may request an administrative review by the Building Official by filing a written request with the Neighborhood and Community Services Department within:

- i. 21 calendar days of the first notification date of violations for a Notice of Violation for substandard building or property, or
- ii. ten calendar days of a Notice of Violation for a derelict building or property.
- iii. ten calendar days of a notice of a civil penalty.

In any appeal, the request must include all reasons and supporting documentation as to why the notice should be overturned and/or modified.

- c. Decision of the Building Official. After considering all of the information provided, including information from the code compliance officer and the owner, the Building Official shall affirm or modify the Notice of Violation for the Substandard or Derelict Building(s), or the amount of any monetary penalty assessed. The Building Official's decision shall be delivered in writing to the appellant by first-class mail.

6. Appeals of the Decision of the Building Official to the Hearing Examiner.

Appeals of the decision resulting from the Building Official's review shall be made to the Hearing Examiner within 21 calendar days from the date of the Building Official's decision. Proceedings in regard to appeals filed with the Hearings Examiner shall be conducted in accordance with the requirements of Tacoma Municipal Code 1.23 and the Office of the Hearing Examiner Rules of Procedure for Hearings.

7. Alternate Procedures.

- a. Where Substandard Building proceedings undertaken against a property have extended over a period of time to where it is necessary to file a Certificate of Complaint with the Pierce County Auditor and when the owner has not otherwise complied with this chapter, the Building Official may remove or correct the violations through a means of abatement.

- i. Using any lawful means, the City may enter unsecured property and may remove or correct a violation which is subject to abatement as a public nuisance. If the person in control of the premises does not consent to entry, the City may seek judicial process in Pierce County Superior Court to effect the removal or correction of such violations.
- ii. Abatement undertaken on properties regulated under Tacoma Municipal Code 13.07 shall be reviewed and approved by the Tacoma Landmarks Preservation Commission in accordance with the provisions of Tacoma Municipal Code 13.07 prior to abatement.
- iii. The City may recover costs of abating Substandard Property. An invoice for abatement costs shall be mailed to the owner of the property over which a Substandard Notice of Violation has been directed and/or the party identified in the Notice of Violation, and shall become due and payable to the City of Tacoma within 30 calendar days of said invoice. An owner may appeal an invoice for abatement and shall follow the procedures outlined in Section 2.01.050.D.5. Any debt shall be collectible in the same manner as any other debt owed to the City, and the City may pursue collection of the costs of any abatement proceedings under this chapter by any other means, including, but not limited to, referral to a collection agency.
- iv. The Building Official may petition the superior court to order the property into receivership in accordance with RCW 7.60 and thereby recover from the property the reasonable necessary expenses of abating the violations and returning the property to productive use.

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

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

E. Derelict Building Registration.

1. The owner of a Derelict Building with a Certificate of Complaint filed with the Pierce County Auditor must register the building within ten calendar days of the date of the Certificate of Complaint. The Derelict Building will be considered to be registered on the date the City receives a properly completed form signed by the owner. The form, provided by the Building Official, shall contain the following information:

- a. The street address and tax parcel number of the Derelict Building.
 - b. The name, address, and daytime and evening telephone numbers of the owner or a responsible person for the property, including other parties of interest;
 - c. The period of time the property is expected to remain vacant;
 - d. Any other information requested by the Building Official for the administration of this chapter.
 - e. A statement which acknowledges the building is a Derelict Building subject to the provisions of this chapter, including the vacant building standards as outlined in Section 2.01.070, and that the property must remain nuisance-free at all times.
2. For every registered Derelict Building, the owner must record a notice with the Pierce County Auditor that the Derelict Building is registered with the City. The City shall provide the form of the notice. A copy of the recorded notice must be received by the City no later than 30 days from the date the Derelict Building is registered.
3. The owner must submit the annual renewal application to the City on forms provided by the Building Official.
4. Upon satisfactory proof to the Building Official that the Derelict Building is repaired, the building will be unregistered.
5. The owner shall pay a registration fee for each registered Derelict Building. The owner must pay the annual fee to the City at the time the Derelict Building is registered and on the annual anniversary date of the initial registration. The fee will be based on the duration of the vacancy as determined by the following scale:
- a. \$250 for the initial registration;
 - b. \$500 on the annual anniversary date;
6. If the owner fails to timely pay the registration fee, the City is authorized to collect the registration fee, including turning the matter over to a collection agency, in which case costs incurred by the City as a result of the collection process will be assessed to the owner.

7. The owner of any registered Derelict Building shall advise the Building Official, in writing, of any changes to the contact information on the registration form within 30 calendar days of the occurrence of the change.

F. Unfit Buildings or Structures Enforcement Procedures.

1. Owner Notification.

The owner shall be notified that the building, structure, or property has been found to be in violation of this chapter and is unfit. The owner may be given ten calendar days from the date of the notice to secure the building in accordance with Section 2.01.070, Unoccupied, Vacant, or Partially Secured Building Standards. The notice shall include the standards for securing a vacant building. Where there is an imminent danger to life or property, the building can be secured by the order of the Building Official, Police Chief, Fire Chief, or Director of the Tacoma-Pierce County Health Department, or their duly authorized representative. The costs related to the Unfit Building action will be assessed to the owner in accordance with the provisions of RCW 35.80.030(1)(h), and Subsection G.

2. Response to Notification.

The owner shall be given 21 calendar days from the date of the notice to respond to the Building Official to negotiate a repair or demolition plan and schedule. The schedule shall include:

- a. Time for submitting acceptable construction plans, specifications, and calculations when required for the repair or demolition of the building or structure.
- b. Time for actually repairing or demolishing the building or structure once a building permit has been issued. Once acceptable construction plans, specifications, and calculations for the repair or demolition of the building or structure have been submitted to the City and have been approved for permit, the permit shall be obtained within seven calendar days of notification that the permit is ready.

The Building Official may agree for sufficient reason to accept an alternate time schedule for the repair or demolition of the building.

The Building Official may grant extensions to the time schedule for sufficient reasons, upon written request. Such requests must be filed with the Building Official prior to the deadlines set for the completion of the repairs or demolition.

3. Unfit Building Complaint.

In the event of any of the following, the City may prepare an Unfit Building Complaint against the building and property:

- a. The owner does not respond to the notification.
- b. An agreement between the owner and the City for the schedule of repairs or demolition cannot be reached.
- c. The owner does not comply with the time schedule for obtaining the necessary permits and beginning construction or demolition; or
- d. The owner, once having started construction or demolition, does not adhere to the agreed-upon schedule.

4. Violations Corrected.

Once the building, structure and property violations have been corrected, the case shall be closed and, if appropriate, any Unfit Building Complaints, Findings of Fact and Orders, or general tax liens filed with the Pierce County Auditor against the title of the property shall be removed by the City upon payment of any assessed penalties and any costs incurred by the City for securing the property or processing the Unfit Building Action.

5. Contents of Unfit Building Complaints.

a. The Unfit Building Complaint issued by the Building Official must be in writing and shall be posted on the property and sent by first-class mail and by certified mail, return receipt requested, to all persons having any interest in the property, as shown by the records of the Pierce County Auditor. If, in the exercise of reasonable diligence, the whereabouts of any of such persons is unknown and the same cannot be ascertained by the Building Official, and the Building Official makes an affidavit to that effect, the serving of such complaint upon such persons may be made by sending a copy of the notice by first-class mail and by certified mail, return receipt requested, to each person at the address of the taxpayer of the property as shown on the last equalized tax assessment roll of Pierce County. If the address of the building involved in the proceeding is different from the address of the taxpayer listed on the tax assessment roll and the whereabouts of any person in interest is unknown, then a copy of the complaint shall also be mailed by first-class mail and certified mail, return receipt requested, to such person or persons.

b. The complaint shall contain, among other things, the following information:

- i. Name of the owner and other interested persons, as provided herein above.
- ii. Street address and legal description of the property on which said building is located.
- iii. General description of type of building, wall, or structure deemed unfit.
- iv. A complete itemized statement or list of particulars which caused the building or structure, or portion thereof, to be classified as an unfit building or structure.
- v. That said building should be vacated by its occupants.
- vi. Whether or not the list of violations can be removed or repaired.
- vii. Whether or not the building constitutes a fire hazard.
- viii. Whether it is reasonable to repair the building or whether the building should be demolished.
- ix. That the City may petition the superior court to order the property into receivership in accordance with RCW 7.60 to return the property to productive use.
- x. If the building is a City landmark or is within a Historic Special Review or Conservation District, the complaint shall provide the procedural requirements of the Landmark Preservation Commission for repair or demolition.
- xi. A notice that a hearing shall be held before the Hearing Examiner not less than ten calendar days nor more than 30 calendar days after the mailing of such complaint on all interested parties, as recorded by the Pierce County Auditor, and posted in a conspicuous place on the property. The notice shall also state that all parties in interest shall be given the right to file an answer to the complaint, to appear in person or otherwise, and to give testimony at the time of the hearing.
- xii. That a copy of such complaint shall also be filed with the Pierce County Auditor, which filing shall have the same force and effect as other lis pendens notices provided by law.

6. Unfit Building Hearing.

- a. The Hearing Examiner shall convene the hearing at the time specified in the Unfit Building Complaint or soon thereafter. The hearing shall be conducted in accordance with 1.23 TMC and the Hearing Examiner's rules.
- b. The Hearing Examiner shall issue a Findings of Fact and Order. The Findings of Fact and Order shall contain the following:
 - i. Name of owner or other interested parties, as listed by the Pierce County Auditor.
 - ii. Street address and legal description of the property on which the building is located.
 - iii. General description of type of building, wall, or structure deemed unfit or substandard.
 - iv. A complete itemized statement of the violations in Table C which resulted in the classification of the building or structure as unfit.
 - v. Whether or not the violations as outlined in Table C structure can be removed or repaired.
 - vi. Whether or not the building constitutes a fire hazard.
 - vii. A statement that the City of Tacoma has incurred costs in processing the Unfit Building Abatement action and that pursuant to RCW 35.80.030(1)(h), all costs incurred by the City for this purpose, including demolition, repair, or receivership, as necessary, shall be assessed against the property and shall be collected thereafter by the County Treasurer as a part of the general taxes.
 - viii. Whether the building is a City landmark or is within a Historic Special Review or Conservation District and the procedures required by the Landmarks Preservation Commission.
 - ix. In the event the building is a City landmark or is within a Historic Special Review or Conservation District, the time schedule shall include Landmark Preservation Commission procedures defined in Tacoma Municipal Code 13.05.045, unless an emergency condition has been declared by the Building Official. In addition, a building, structure, or property that is declared unfit may be required to comply with the requirements set forth in Title 13 of the Tacoma Municipal Code. There may be reason to negotiate repairs due to the historic significance of the property. If a building is a City landmark or located within a Historic Special Review or Conservation District, or is determined to be a historic resource by the Landmarks Preservation Commission or Historic Preservation Office, the repair requirements may be waived by the Building Official.
 - x. A requirement that the property shall be nuisance-free at all times.

xi. The order shall provide specific instructions on whether the building or structure is to be demolished, repaired, or maintained, and a timeframe for doing so. When it is determined that a building or structure, or any aspect of a building or structure, is unfit, such building or structure shall be:

(a) Demolished, or

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

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

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

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

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

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

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

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

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

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

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

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

G. Recovery of Costs and Expenses.

The costs incurred by the City relating to the enforcement of derelict and unfit structures in Sections 2.01.060.D and .F may be recovered against the owner of the property as authorized in RCW 35.80.030(1)(h), and shall become due no later than 30 calendar days from the date of the invoice. "Costs" include, but are not limited to, personnel costs, both direct and indirect, including attorney's fees; costs to secure the building; costs incurred in documenting the violations; hauling, storage and disposal expenses; filing fees and actual expenses in costs of the City in preparing notices, specifications, and contracts in accomplishing and/or contracting and inspecting the work; the costs of any required printing or mailing; and any and all costs of collection.

H. Posting of Buildings.

If a building is determined to be in violation of this chapter to an extent that it fails to provide the amenities which are essential to decent living or the building is unsafe, unsanitary, or structurally unsound, the building shall be posted for non-occupancy.

The notice posted on the building shall state that the building “MUST NOT BE OCCUPIED” and shall be affixed to the main door facing the address street or any other accessible doors, if needed. The “MUST NOT BE OCCUPIED” portion of the notice shall be of letters of sufficient size to be read from the public way.

I. Utility Restraints.

Unfit Buildings or structures and Derelict Buildings or structures which are not occupiable and are posted “MUST NOT BE OCCUPIED” may have utility restraints placed on them, restraining utility providers from providing utilities to the building. The utility restraint shall be recorded with the Tacoma Public Utilities Department or other utility providers. The utility restraint shall not be released until the building is repaired or demolished. Once the building has been repaired or demolished, the Building Official shall record with the Tacoma Public Utilities Department, or other utility providers, a release granting utility service to the building or property. The utility restraint shall not interfere with any Code enforcement action taken by the Tacoma Public Utilities Department or other utility providers.

EXCEPTION: Limited utilities may be permitted to be supplied to the property for facilitating the repairs or for maintaining other vital systems, such as fire protection, at the discretion of the Building Official.

J. Emergency Cases.

1. Where, in the opinion of the Building Official, it appears there is an imminent danger to the life or safety of any person occupying or being admitted to a building or structure, or to the public, the Building Official shall immediately vacate the building, in whole or in part, as is necessary to mitigate the danger to life. The Building Official shall also order any of the following remedies as necessary to protect the public:

- a. barricade of public rights-of-way to secure the building from unauthorized entry, or
- b. cause the immediate bracing or repair of the building, or
- c. require maintenance or restoration of essential utilities, the absence of which constitute a significant threat to the adjacent properties and/or the public.

If the preceding remedies are not possible, the Building Official may have the building or structure demolished.

2. For buildings that are City landmarks located within a Historic Special Review or Conservation District, or are identified as “historic resources,” the Historic Preservation Officer, at the direction of the Building Official, shall actively pursue feasible intermediate alternatives to total demolition within the timeframe determined by the Building Official that will remediate emergency condition and/or retain the building or its historic features. If an alternative to demolition is identified, then it may be pursued as the preferred action.

3. The costs of emergency vacation, bracing, repair, or demolition of such building or structure as described in this subsection shall be assessed to the owner in accordance with the provisions of RCW 35.80.030(1)(h).

K. Permits.

No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure, or cause or permit the same to be done, without first obtaining all permits required by the Tacoma Municipal Code and the laws of the state of Washington. The owner or their agent shall obtain all required permits prior to the work being performed. The timeframe of the permits may be conditioned in accordance with the timeframes agreed upon in the negotiated repair schedule.

L. Repeat Offenders.

A repeat offender is defined as a property owner who has a confirmed non-compliance history, including any identical or similar violations of this chapter at the same site or on a different tax parcel under the same ownership, two times within a 12-month period. If an owner is found to be a repeat offender, he or she may be subject to an inspection fee equivalent to a reinspection fee as defined in Chapter 2.09 of the Tacoma Municipal Code. Owners may appeal a reinspection fee pursuant to Section 2.01.050.D.5 of the Tacoma Municipal Code.

M. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a distinct and independent provision, and such holdings shall not affect the validity of the remaining portions hereof.

TABLES:

All existing buildings and structures shall be maintained in accordance with the Building Code requirements in effect at the time of original and unaltered construction. Alterations or repairs shall meet the minimum standards set forth in Section 2.01.060.

TABLE A		
SUBSTANDARD PROPERTY		
EXTERIOR PROPERTY VIOLATIONS		
Item No.	Violation	Maximum Points
1	Unsightly or overgrown ground cover, trees, or shrubbery	5
2	Garbage, junk, debris in yard	15
3	Abandoned or inoperable vehicles in yard	15
4	Graffiti on buildings, fences, or other structures	25
5	Missing or unreadable address numbers or apartment numbers	10
6	Exterior stairways, handrails or guardrails in yard need to be repaired or replaced	15
7	Exterior sidewalks, other paved areas, or retaining walls are broken, buckled, or deteriorated and need to be repaired or replaced	15
8	Broken or Plugged Sewer	25
EXTERIOR BUILDING VIOLATIONS		
Item No.	Violation	Maximum Points
9	Chimney(s) needs to be repaired or removed	15
10	Roofing needs to be repaired or replaced	15
11	Gutters need to be repaired or replaced	5
12	Exterior walls or siding need to be repaired or replaced	15
13	Foundations need to be repaired or replaced	15
14	Porch, deck, or balcony needs to be repaired, replaced, or removed	15
15	Porch, deck, or balcony needs handrail or guardrail, or needs to be repaired or replaced	15
16	Floor, wall, or roof framing including overhangs and cornices needs to be repaired or replaced	25
17	Exterior doors and/or door framework needs repair, replacement, or weather striping	10
18	Window frames or window glass needs repair, replacement, or weather striping	15
19	Peeling or absence of paint or weather protection on exterior walls, decks, stairs, porches, and other exterior surfaces	5
20	Accessory structure needs to be repaired or demolished	25
21	Exterior unpermitted work, or work not done in conformity with the conditions of any permit that has been issued	50
22	Improper placement or use of cargo containers or use of semi-trailers for storage	50
INTERIOR VIOLATIONS		
Item No.	Violation	Maximum Points
23	Inadequate number of electrical convenience outlets; electrical convenience outlets or switches do not have device plates	10
24	Access to electrical panels is inadequate	15
25	Improper water closets, lavatories, bathtubs, showers, or other plumbing fixtures	15
26	Insufficient number of water closets, lavatories, bathtubs, showers or other plumbing fixtures as required by the size or occupant load of the occupancy	10

27	All lavatories, sinks, bathtubs or similar fixtures where the spigot outlet is below the level of the basin rim, and any other fixtures where cross-connection or back-siphonage is possible	25
28	Plumbing piping or fixtures using non-approved materials	10
29	Leaking plumbing piping (supply and/or waste)	15
30	Sagging, improperly supported or clogged plumbing pipes or fixtures	15
31	Water heater is missing or needs repair	25
32	Kitchen facilities do not meet required minimum standards	15
33	Laundry facilities do not meet required minimum standards	15
34	Appliances, including solid-fuel-burning appliances, which have been installed without proper clearances to combustible materials	25
35	Unlisted appliances which have been illegally installed; improper gas piping or inadequate supply of combustion air for fuel fired equipment	25
36	Inadequate, inoperable, or deteriorated heating, mechanical, or elevator equipment	50
37	Door locks or window locks missing, inoperative or illegal	15
38	Interior doors, trim or cabinetry need repair	5
39	Deteriorated brick, concrete, or stone masonry, or detached veneer	15
40	Deteriorated wood building materials and damaged wood due to inadequate wood to earth clearance	10
41	Deteriorated or crumbling plaster or gypsum board or flaking or scaling or peeling of wallpaper, paint, or other interior wall coverings	10
42	Dampness, mold or mildew within the building	10
43	No windows or inadequate window area to provide natural light or natural ventilation	15
44	Room and space dimensions less than required by this chapter; unit(s) do not meet the requirements for an efficiency dwelling unit	15
45	Floor, wall or ceiling surfacing needs repair	25
46	Exit signs or exit path lighting are not provided with two sources of power	25
47	Exit stairs have incorrect rise and run	25
48	Lack of or inadequate garbage and rubbish storage and disposal	10
49	Infestations or Vermin	25
50	Overcrowding: Any building or portion thereof, where the exiting is insufficient in number, width, or access for the occupant load served, or where the number of occupants in sleeping rooms exceeds the number permitted by the area of the sleeping room	25
51	Interior unpermitted work or work not done in conformity with the conditions of any permit that has been issued.	50

UNOCCUPIED OR VACANT BUILDING STANDARDS VIOLATIONS

Item No.	Violation	Maximum Points
52	Exterior openings are not properly secured in accordance with Section 2.01.070	50
53	Weather protection is not adequate to prevent deterioration of the building	50
54	There is debris within the building or on the premises which creates a fire hazard or a nuisance	50
55	Fire alarms or fire sprinkler systems are inoperable	50
56	Adequate heat is not provided to protect the sprinkler system from freezing	50
57	Sewer lines are not capped	50
58	The owner does not inspect the property and keep the property from looking uncared for	50
59	The owner does not repair door(s), window(s), exterior wall(s), or other areas of the building which have been damaged, thereby exposing the building to unauthorized third-party entry or inclement weather	50

FIRE AND LIFE SAFETY HAZARDS

Item No.	Violation	Maximum Points
60	Exit doors have improper hardware	15

61	Required corridors are not of one-hour construction or are not properly rated (or equivalent)	50
62	Corridor doors do not have closers or have improper hold open devices	50
63	Corridor doors do not have gasketing	25
64	Corridor door frames need to be repaired or replaced	50
65	Transoms above corridor doors are not sealed or fire-rated	50
66	Exit paths are not properly illuminated	50
67	Required exit signs are missing or not illuminated	50
68	Exit stairs need to be repaired or replaced	50
69	Exit stairs need to be provided with handrails/guardrails, or handrails or guardrails need to be repaired or replaced	50
70	Exit stairs are missing or have improper landings	50
71	Stairs need to be enclosed in a fire rated shaft	50
72	Stair enclosures are not of the proper fire rating	50
73	Doors to stair enclosure are missing or are blocked open	50
74	Doors to stair enclosures do not meet required fire assembly requirements, or fire assembly needs to be replaced or repaired	50
75	Exit windows from sleeping rooms are not provided; are too small in area or dimension or have too high a sill height	50
76	Improper or hazardous wiring	50
77	Missing or inoperative smoke detectors, carbon monoxide alarms or fire extinguishers	50
78	Improper storage, building clutter, or other fire hazards	25
79	Required fire sprinkler system or fire alarm system are inoperative, inadequate or missing	50
80	Fire resistive occupancy separation or area separation walls need to be repaired or replaced	25
81	Fire resistive construction needs to be repaired or replaced	25
82	Fire escapes shall be repaired, replaced, or tested in accordance with the provisions of Title 3 of the Tacoma Municipal Code.	50

TABLE B
DERELICT BUILDINGS OR STRUCTURES

Item No.	Violation
1	Interior environment violations, which shall include, but not be limited to, the following, if required specifically by the occupancy classification for the use of the building: a. Lack of, or inadequate, ventilation. b. Infestation by insects, vermin, or rodents.

2	Structural hazards, which constitute a danger to life and limb, but are of limited extent, and are repairable. These shall include, but not be limited to, the following: a. Cracked or crumbling concrete or masonry foundation walls, footings, or posts, or deteriorated or rotting wood foundations or wood posts. b. Flooring or floor supports which are defective, deteriorated, or of insufficient size to carry imposed loads with safety. c. Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective materials or deterioration, or are of insufficient size to carry imposed loads with safety. d. Members or supports of ceilings and roofs, or other horizontal members which sag, split, or buckle due to defective material or deterioration, or are of insufficient size to carry imposed loads with safety. e. Fireplaces or chimneys which list, bulge, or settle due to defective materials or deterioration, or are of insufficient size or strength to carry imposed loads with safety. f. Exterior cantilever walls or parapets, appendages attached to or supported on the exterior of a building located adjacent to a public way or other space used by pedestrians which are not constructed, anchored, and braced to be able to withstand earthquake forces. g. Exterior walls located adjacent to a public way or other space used by pedestrians, which are not constructed, anchored, and braced to be able to withstand earthquake forces.
3	Hazardous, inadequate, or insanitary interior building conditions which present a hazard to health or do not provide the minimum acceptable amenities for occupancy. a. Substandard kitchen or bathroom amenities. b. Deteriorated or crumbling plaster or gypsum board. c. Insanitary or inadequate floor, wall or ceiling surfacing. d. Damage or inadequate interior doors, trim and hardware.
4	Hazardous or inadequate wiring which presents an immediate danger to life or limb: a. Wiring which is inadequately sized for the presently imposed electrical loads. b. Wiring where, due to improper ground, lack of insulation, or other conditions, short circuits can occur. c. Damaged, missing, or insufficient electrical convenience outlets, electrical components, or equipment.
5	Hazardous or inadequate plumbing which present a hazard to health, or do not provide minimum acceptable amenities for occupancy: a. Lack of or inoperable water closets, lavatories, bathtubs, showers, or other plumbing fixtures as required for the occupancy. b. Lack of hot and/or cold running water to plumbing fixtures. c. Lack of or inadequate water heating facilities. d. Plumbing piping and fixtures improperly installed. e. Plumbing piping and connections which leak, are plugged, or otherwise are inoperative. f. Plumbing fixtures which are not properly connected to the waste and vent system, or which are cracked, inoperative, or leak. g. Lack of or inadequate sewage disposal/or connection of plumbing fixtures thereto.
6	Hazardous mechanical equipment which present a hazard to health, life, or limb, or do not provide minimum acceptable amenities for occupancy: a. Lack of or inadequate heating facilities. b. Mechanical equipment with undersized vents or chimneys. c. Fuel-fired equipment with insufficient combustion air. d. Mechanical equipment which, because of lack of maintenance or improper installation, constitutes a fire hazard.
7	Faulty weather protection: Indications of which shall include, but not be limited to, the following: a. Holes, including broken windows or doors; breaks; cracked, loose, or rotted boards or timbers; and any other conditions in exterior walls and weather-exposed exterior surfaces or attachments which might admit rain or dampness to the interior portions of the walls or occupied spaces of the building. b. Deteriorated or missing roof covering material and flashing. c. Standing water in crawl spaces or basements. d. Deteriorated or rotted stairs, porches, balconies, or decks.
8	Fire Hazard: Any conditions which, in the opinion of the Fire Chief, constitute a distinct hazard to life or property.

9	Faulty materials or construction: “Faulty materials” are defined as all materials not specifically allowed or approved by the Building Code in effect at the time of construction, or this chapter. Faulty materials also include approved materials which are used improperly. “Faulty Construction” is defined as materials assembled using improper or substandard workmanship.
10	Hazardous or unsanitary premises: Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or condition which constitute fire, health, or safety hazards or other violations of Chapter 8.30, “Public Nuisance” Code.
11	Inadequate exits: All buildings or portions thereof not provided with exit facilities as required by the Building Code, except those buildings or portions thereof whose exit facilities are safe and conformed with all applicable laws at the time of their construction.
12	Inadequate fire-protection or fire-fighting equipment: All buildings or portions thereof which are not provided with fire-resistive construction, fire extinguishing systems, carbon monoxide or smoke alarm equipment as required by the Tacoma Municipal Code.
13	Improper occupancy: Buildings or portions thereof, where the use or character of its occupancy has changed from the original approved design or intended use, without a recorded action reviewed by the Building Official.

TABLE C
UNFIT BUILDINGS OR STRUCTURES

Item No.	Violation
1	Whenever any door, aisle, passageway, stairway, or other means of exit is not of sufficient width or size, or is not arranged so as to provide safe and adequate means of exit in case of fire or panic.
2	Whenever the walking surface of any aisle, passageway, stairway, or other means of exit is racked, warped, buckled, settled, worn, loose, torn, or otherwise is in such condition so as to not provide safe and adequate means of exit in case of fire or panic.
3	Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code in effect at the time the building was constructed.
4	Whenever any portion, member, or appurtenance thereof is likely to fail, become detached, dislodged, or collapse and thereby injure persons or damage property.
5	Whenever any portion of a building, any member, appurtenance, or ornamentation on the exterior thereof has deteriorated or been damaged so as to be no longer capable of withstanding wind pressures or seismic forces specified in the Building Code in effect at the time the building was constructed.
6	Whenever any portion thereof has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
7	Whenever the building or structure, or any portion thereof, is likely to partially or completely collapse because of: (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) deterioration, decay, or inadequacy of its foundation; or (v) any other cause.
8	Whenever, for any reason, the building or structure, or any portion thereof, is unsafe for the purpose for which it is being used.
9	Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
10	Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of a supporting member or members, or 50 percent damage or deterioration of non-supporting members, including wall coverings.
11	Whenever the building or structure has been so damaged by fire, wind, earthquake, flood, or other causes, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for transients or vandals; or (iii) a place for performing criminal or unlawful activities.
12	Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or this chapter, or of any law or ordinance of this state or jurisdiction relating to the condition, location, or structure of buildings.

13	Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member, or portion less than 50 percent (or in any supporting part, member, or portion less than 66 percent) of the (i) strength; (ii) fire-resisting qualities or characteristics; or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.
14	Whenever a building or structure used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction, or arrangement, inadequate light, air, or sanitation facilities, or otherwise, is determined to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.
15	Whenever any building or structure, because of dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined to be a fire hazard.
16	Whenever any building, structure or premise is in such a condition as to constitute a public nuisance, known to the common law or in equity jurisprudence.
17	Derelict Buildings where Alternate Procedures have been undertaken pursuant to the provisions of Section 2.01.050.D.7.b.

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CHAPTER 2.02

BUILDING CODE

Sections:

2.02.010 Adoption of International Building Code, International Residential Code, and International Existing Building Code.

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2.02.120 Amendment to IBC Section 113 – ~~Board~~ Means of Appeals.

2.02.130 Amendment to IBC Section 114 – Violations.

* * *

2.02.010 Adoption of International Building Code, International Residential Code, and International Existing Building Code.

The International Building Code, International Residential Code, and International Existing Building Code, as adopted and amended by the Washington State Building Code Council under the State Building Code, as defined in TMC 2.02.100, are hereby adopted as the official Building Code of the City of Tacoma. The Tacoma Building Code as defined in TMC 2.02.100 is also amended to include the adoption of IBC Appendix Chapter G, the adoption of IEBC Appendix A, and a new Appendix J added to the IEBC. Repair and renovation of existing buildings shall comply with the Tacoma Building Code as defined in 2.02.100 and these requirements shall take precedence over repair standards in 2.01.060 in the Minimum Buildings and Structures Code, unless otherwise approved by the Building Official.

2.02.015 Administrative Provisions.

A. The Director of Planning and Development Services, ~~with input from the Tacoma Permit Advisory Group or any other City Council appointed permitting advisory body then in existence,~~ shall have the authority to develop rules, policies, and administrative procedures for, but not limited to, the following items:

1. Public notifications.

Notices may be required for any permits issued under this chapter. When required, the notices shall be completed prior to the start of construction.

2. Project Meetings.

Permittees, contractors, and others associated with a permit may be required to attend Project Meetings related to permit requirements, to address neighborhood impacts such as dust and construction noise or other neighborly issues that arise from the contractor's activities.

3. Construction Nuisances.

Additional requirements may be imposed on project construction activities that impact the surrounding neighborhood, such as public safety, dust and construction noises. Identification of these issues may be by a complaint, City and/or other regulatory inspection. A project meeting may be called to address the impacts.

4. Adjacent Properties.

No person engaged in work regulated by this chapter may utilize the neighboring properties for parking, materials storage, staging, access, or any other activity without the consent of the owner.

B. Violations of TMC 2.02 or any provision as required by the Director of Planning and Development Services under TMC 2.02.015 shall be administered as outlined in TMC 1.82 - Uniform Enforcement Code, and/or Chapter 2.02.130 of this code.

C. As authorized by RCW 36.70B.140 permits issued under this section are exempt from the timeline provisions of RCW 36.70B.060 through RCW 36.70B.090 and 36.70B.110 through 36.70B.130.

D. The Building Official may withhold issuance of a building permit until right-of-way improvements associated with the development have been designed and approved. The Building Official may accept a surety bond, plan of action, work order permit in process, or combination of thereof in lieu of an approved set of right-of-way design plans.

* * *

2.02.120 Amendment to IBC Section 113 – ~~Board~~ Means of Appeals.

Section 113 in the IBC shall be replaced in its entirety with the following:

113.1 Administrative Review.

An aggrieved party in interest may appeal to the Building Official, or in the case of appeals to TMC Chapter 3.02 Fire Prevention Code the Fire Code Official, an interpretation, or a decision and order of the Building Official, or duly authorized representative, or of the Chief of the Fire Department, or duly authorized representative by submitting a written request for administrative review within 14 days of the written decision or order. The appellant shall state the reasons why the written order or decision should be reversed or modified. The building official or fire code official shall issue a written decision on the appeal within 30 days of receipt of the request.

113.2 Appeal to the hearing examiner.

The hearing examiner shall have the authority hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code. Appeals shall be performed in accordance with TMC 1.23 Hearing Examiner and this Section.

113.3 Limitations on authority.

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The hearing examiner shall not have authority to waive requirements of this code.

113.4 Procedure.

An aggrieved party in interest may appeal to the hearing examiner, an interpretation, or a decision and order of the Building Official, or duly authorized representative, or of the Chief of the Fire Department, or duly authorized representative, by filing a notice of appeal with the City Clerk and paying fees outlined in Section 113.5 within 30 calendar days from the date of the written interpretation, decision, or order. The appeal shall be in writing and shall clearly and concisely state the basis for such appeal.

113.5 Fees.

Fees for appeals shall be in accordance with TMC 2.09 Fee Code.

113.6 Initial Determination.

The hearing examiner shall review the requested appeal and make an initial determination whether said appeal is within the authority of the hearing examiner. In the event it is determined that an appeal is not within their authority, the aggrieved party shall be notified, in writing, within ten days following such determination.

113.7 Administration.

The building official shall take action without delay in accordance with the decision of the hearing examiner.

~~113.1 The Board of Building Appeals.~~

~~The Board of Building Appeals, as created by TMC 2.17, is the properly designated board of appeals for the IBC, as adopted by the City of Tacoma and the State of Washington. The Board of Building Appeals, within the authority granted it by TMC 2.17, shall:~~

~~Hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code.~~

~~113.2 Limitations of Authority.~~

~~An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The Board of Building Appeals shall have no authority relative to interpretation of the administrative provisions to the codes assigned to the Board's authority, nor shall the Board be empowered to waive requirements of these codes or to grant variances, unless specifically granted in TMC 2.17.~~

2.02.130 Amendment to IBC Section 114 – Violations.

Section 114 of the IBC shall be replaced in its entirety with the following:

114.1 Unlawful acts.

It shall be unlawful for any person, firm, corporation, or other legal entity to erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building, structure, or equipment regulated by this chapter or by the codes adopted and amended by TMC Title 2, or cause the same to be done, in conflict with or in violation of any of the provisions of these codes.

114.2 Notice of violation.

The building official shall issue all necessary notices or orders to ensure compliance with this code in accordance with TMC 1.82 Uniform Enforcement Code.

114.3 Prosecution of violation.

Any person failing to comply with a notice of violation or order served in accordance with Section 109.4 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate including all unpaid civil penalties imposed pursuant to this code, costs of abatement proceedings and work performed, all fees associated with the violation, including but not limited to inspection fees, administrative fees, and enforcement costs, attorney fees, expert witness fees, and any other costs or expenses incurred by the City related to the violation.

114.4 Violation Penalties.

Violation penalties shall be administered in accordance with TMC 1.82 Uniform Enforcement Code and TMC 2.09 Fee Code.

~~The Building Official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition, or occupancy of a building or structure in violation of the provisions of this code or any other code which references section 2.01.150, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. The Notice of Violation shall contain the following:~~

~~114.2.1 The address of the site and the specific details of the condition(s) which is (are) to be corrected;~~

~~114.2.2 A specified timeframe for correcting the violation or submitting an acceptable work schedule.~~

~~114.2.3 The citation penalties that may be imposed in the event that the condition is not corrected within the timeframe indicated on the Notice of Violation;~~

~~114.2.4 The procedure that may be implemented if civil penalties in excess of \$1,000.00 are assessed in trying to correct the violation(s); and~~

~~114.2.5 The name, address and telephone number of the regulatory agency and the inspector issuing the Notice of Violation.~~

~~114.3 Penalties and Certificate of Complaint.~~

~~If the notice of violation is not complied with within the specified period of time, the Building Official is authorized to issue a second Notice of Violation and issue a civil penalty of \$250.00. The monetary penalties for violations shall be as follows:~~

~~114.3.1 First and subsequent civil penalties \$250.00;~~

~~114.3.2 Civil penalties will continue to accumulate until the violation is corrected, or, if the total assessed penalty exceeds \$1,000.00, a Certificate of Complaint may be filed with the Pierce County Auditor to be attached to the title of the property. A copy of the Certificate of Complaint shall be sent to the Property Owner and parties of interest, if different from the owner.~~

~~Each day that a property or person is not in compliance with the provisions of this code may constitute a separate violation.~~

~~Penalties shall be billed to the property owner or, if appropriate, the permit holder. Penalties unpaid after 60 calendar days may be collected in any lawful means, including but not limited to, referral to a collection agency.~~

~~114.4 Administrative Reviews by the Building Official.~~

~~114.4.1 General. A person, firm, corporation or other legal entity to whom a Notice of Violation or a civil penalty has been issued relative to the violation of this chapter and the codes adopted and amended by this chapter, may request an administrative review of the violation(s) cited in the Notice of Violation or for the civil penalties assessed pursuant to enforcement.~~

~~114.4.2 How to request administrative review. A person, firm, or corporation may request an administrative review of the violation(s) being cited in the Notice of Violation or of a civil penalty assessed by filing a written request with the Building Official, sent to the attention of the contact listed within the Notice of Violation within seven (7) calendar days of the notification date of violation(s) or the date a civil penalty is assessed. The request shall state, in writing, the reasons the Building Official should consider the violation(s) cited in the Notice of Violation as not being violations of TMC Title 2 or the codes and amendments adopted by TMC Title 2 by reference, or why the Building Official should negate or reduce the civil penalty. Upon receipt of the request for administrative review, the Building Official shall review the information provided.~~

~~114.4.3 Decision of Building Official. After considering all of the information provided, the Building Official shall determine whether a violation has occurred, and shall affirm, vacate, suspend, or modify the Notice of Violation or the amount of any monetary penalty assessed. The Building Official's decision shall be delivered in writing to the appellant by first class mail. If the administrative review is for the violation, the Building Official's decision shall include an official interpretation of the code sections for which the Notice of Violation was issued.~~

~~114.5 Appeals of the Administrative Review by the Building Official.~~

~~The official interpretation of the code provisions, cited as being the basis for the Notice of Violation being issued, made in the administrative review decision by the Building Official may be appealed directly to the Board of Building Appeals, in accordance with the provisions of TMC Chapter 2.17. Said appeal shall be filed within seven (7) calendar days of receipt of the Building Official's decision with the City Clerk. If such an appeal is successful, any civil penalties that may have been assessed will be withdrawn.~~

~~114.6 Alternate Criminal Penalty.~~

~~Any person who violates or fails to comply with any of the provisions referenced in TMC Title 2 and the codes adopted by reference and amended within TMC Title 2 or any other code which references TMC Section 2.02.150 may be guilty of a misdemeanor and, upon conviction thereof, may be subject to a fine in an amount not exceeding \$1,000, or subject to imprisonment in jail of not more than 180 days, or both a fine and imprisonment. Each day a person or entity violates or fails to comply with a provision referenced in TMC Title 2 and the codes adopted and amended within Chapter 2.02 may be considered a separate violation.~~

* * *

CHAPTER 2.09

FEE CODE

* * *

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:

- a. A written request is made by the Permit Applicant.
- b. The period of time since the permit was issued is less than 180 days.
- c. The work approved to date does not present negative visual, health, safety, environmental, or fiscal impacts to adjacent properties or the neighborhood.
- d. The permit has not been revoked by the Building Official.
- e. The following charges shall be deducted from any fee amount that may be refunded:

(1) Dedicated fund charges including the Technology Fund, Emergency Preparedness Fund, Natural Resources Fund, and Reserve Fund, and

(2) State Building Code fee and other applicable sales taxes and charges, and

(3) Metered parking charges, where applicable, and

(4) Minimum Counter Transaction fee per the PDS Fee Schedule, or

(5) Twenty-five percent of the permit fee as calculated from the PDS Fee Schedule, whichever is greater.

2. Plan Review Fees. In the event of abandonment or discontinuance of work, or as otherwise approved, a refund of a portion of the plan review fee may be approved subject to the following:

a. The period of time since the permit application has been submitted is less than 180 days.

b. Review of the permit has not started.

c. The following charges shall be deducted from any fee amount that may be refunded:

(1) Dedicated fund charges, including the Technology Fund, Emergency Preparedness Fund, Natural Resources Fund, and Reserve Fund, and

(a) State Building Code fee and other applicable sales taxes and charges, and

(b) Metered parking charges, where applicable, and

(c) Minimum Counter Transaction fee per the PDS Fee Schedule, or

(d) Twenty-five percent of the plan review fee as calculated from the PDS Fee Schedule, whichever is greater.

d. Where the Director of Planning and Development Services 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.

3. Land use fees. In the event of abandonment or discontinuance of the permit, a refund by the City of a portion of the fee may be approved subject to the following:

a. Discretionary land use permits. The applicant may submit a written request for a refund of the fee for a discretionary land use permit. The maximum fee refund in accordance with the PDS Fee Schedule shall be as follows:

(1) Permit intake completed, but review not started – Maximum of 75 percent of the fee may be refunded

(2) Staff review completed, but public notice has not been prepared or sent – Maximum of 25 percent of the fee may be refunded

(3) Public notice is completed – permit is not eligible for any refund.

(4) The following charges shall be deducted from any fee amount that may be refunded:

(a) Dedicated fund charges including the Technology Fund, Emergency Preparedness Fund, Natural Resources Fund, and Reserve Fund, and

(b) Minimum Counter Transaction fee per the PDS Fee Schedule, or

(c) Twenty-five percent of the permit fee as calculated from the PDS Fee Schedule, whichever is greater.

b. Non-discretionary land use permits. The applicant may submit a written request for a refund of the fee for a non-discretionary land use permit. The maximum percent of the permit fee in accordance with the PDS Fee Schedule shall be as follows:

(a) The period of time since the permit application has been submitted is less than 180 days.

(b) Review of the permit has not started.

(c) The following charges shall be deducted from any fee amount that may be refunded:

(d) Dedicated fund charges including the Technology Fund, Emergency Preparedness Fund, Natural Resources Fund, and Reserve Fund, and

(e) Minimum Counter Transaction fee per the PDS Fee Schedule, or

(f) Twenty-five percent of the permit fee as calculated from the PDS Fee Schedule, whichever is greater.

c. Land use appeal fees. Where an appeal is made for a land use application, the appeal fee shall be refunded if the appellant substantially prevails in the appeal, in the judgment of the Hearing Examiner, City Council, or superior court which finally rules on the appeal.

4. Special Fees. Special fees in accordance with the PDS Fee Schedule are eligible for refunds as follows:

a. Preapplication fees – not eligible for refund.

b. Expedited plan review – may be eligible per the conditions of this chapter for plan review fees.

c. Project services – not eligible for refund.

d. Special inspection fees - not eligible for refund.

e. E-permits - not eligible for refund.

f. Alternate method or modification request - may be eligible per the conditions of this chapter for plan review fees.

g. Noise variance - may be eligible per the conditions of this chapter for plan review fees.

h. Floodplain development review – may be eligible per the conditions of this chapter for plan review fees.

i. Appearance as a witness – not eligible for refund.

j. Construction permit appeal fees. Where an appeal is made for a permit regulated by TMC 2.02 Building Code, TMC 2.06 Plumbing Code, TMC 2.07 Mechanical Code, TMC 2.08 Energy Code, or TMC 3.02 Fire Prevention Code, the appeal fee shall be refunded if the appellant substantially prevails in the appeal, in the judgment of the Hearing Examiner, City Council, or superior court which finally rules on the appeal.

5. General services and fees: General services and fees per the PDS Fee Schedule are not eligible for any refund.

B. Fee exemptions/adjustments.

1. Building permit and plan review fees.

Where approved by the Director of Planning and Development Services and/or Fire Chief, building, mechanical, plumbing, and fire permit fees and associated plan review fees may be waived or modified for the permits in Table I:

Table I. Permits eligible for fee exemptions or adjustments

Type of Project	Type of Permit Fees	Eligibility Requirements
Residential		

Type of Project	Type of Permit Fees	Eligibility Requirements
Single family/duplex	Building, plumbing, mechanical, permits for: – Alterations and repairs	Owned and occupied by: – senior citizen(s) ⁽¹⁾ and – eligible for tax exemption due to financial status
		Owned and occupied by: – permanently disabled person(s) ⁽²⁾ and – eligible for tax exemption due to financial status
	Building, plumbing, mechanical, fire permits for: Alterations and repairs New construction	All of the following conditions: – intended for low income families – construction involves volunteer labor – constructed by 501(c)(3) organization
	Building, plumbing, mechanical, fire permits for: – Alterations and repairs – New construction	Projects sponsored and developed by a public authority created under RCW 35.82.030
Multifamily	Building, plumbing, mechanical, fire permits for: – Alterations and repairs	All of the following conditions: – intended for low income families – construction involves volunteer labor – constructed by 501(c)(3) organization – primarily owned and operated by a 501(c)(3) nonprofit organization.
	Building permits for: – Alterations and repairs – New construction	Projects sponsored and developed by a public authority created under RCW 35.82.030
Commercial	Building, plumbing, mechanical, fire, land use, or site development	Community service program(s) subsidized by the City of Tacoma
	building, plumbing, mechanical, fire, land use, or site development	Projects that meet the Strategic Goals of the City and are funded by the General Fund, as approved by the City Manager

⁽¹⁾ Senior Citizen: Any person having attained the age of 62 years or older who qualifies for property tax reduction under the limited income guidelines as established by the State of Washington.

⁽²⁾ Disabled Person: Any person who has permanent physical or mental impairment which substantially limits that person's ability to perform one or more of the following activities: walking, seeing, hearing, speaking, breathing, learning, and/or manual tasks. "Substantially" shall mean a degree of impairment which places that person at an obvious disadvantage when compared to a person without said impairment. The applicant has the burden of establishing the fact of disability to the satisfaction of the Building Official. The applicant must also qualify for property tax reduction under the limited income guidelines established by the State of Washington.

2. Other fee waivers.

The Director of Planning and Development Services or designee may waive or modify fees for building or other permits under the following situations:

- a. Re-inspection fees if the Building Official determines that the original order or notice of non-compliance was invalid or when mitigating circumstances beyond the responsible party's control exist including, but not limited to, conflicting enforcement requirements by other agencies or conditions caused by third parties.
- b. Permit and plan review fees where the project valuation may need to be adjusted.
- c. The Director of Planning and Development Services, or designee, shall have limited authority to adjust, delay, modify, refund, or remove any fee item, or other charge on a restricted basis to facilitate the administrative functions, advance strategic objectives, or as otherwise deemed necessary by the Director.
- d. Other fees as determined by the City Manager to be paid for by the General Fund.

(Ord. 28701 Ex. A; passed Nov. 17, 2020; Ord. 28561 Ex. A; passed Nov. 27, 2018; Repealed and reenacted by Ord. 28502 Ex. A; passed Apr. 10, 2018; Ord. 27305 § 2; passed Dec. 14, 2004; Ord. 27009 § 3; passed Nov. 19, 2002; Ord. 26557 § 3; passed Dec. 14, 1999)

* * *

2.09.175 Special fees.

A. Preapplication services.

For inspection of existing buildings made at the request of the owner, tenant, mortgage company, or realty firm, to determine compliance with applicable City ordinances, or when inspections are requested of a structure for which a permit is only contemplated or for any special application review conducted by the Fire Department, an hourly fee shall be charged for review and/or inspection in accordance with the PDS Fee Schedule. This shall also include review and inspection of Adult Family Homes that are exempt from building permits.

B. Expedited Plan Review Fees.

Where requested by the applicant and approved by the Director of Planning and Development Services or designee, expedited permit fees may be paid to shorten the review time for a permit application. Expedited plan review fees shall be paid in accordance with the PDS Fee Schedule and shall be in addition to all other permit and plan review fees for the permit application.

C. Project services.

Planning and Development Services may require a contract for outside services to meet specific project or permit needs. Additional fees shall be charged for the actual cost of said services and shall be added to all other permit and/or plan review fees, including all administrative and overhead costs.

D. Special inspection fees.

When, in the opinion of the Building Official, special inspections are necessary to review or evaluate the correction of noted violations for buildings or structures, the Building Official shall charge inspection fees in accordance with the PDS Fee Schedule.

E. E-Permits.

E-permits are a type of permit of limited scope that does not require a plan review and can be applied for and issued online. Additional charges for Dedicated Funds in accordance with this chapter or other applicable taxes, charges, and fees for other agencies shall be applied to E-permits.

F. Alternate method or modification request.

Whenever a building owner or other responsible party proposes to use an alternate material or method to meet the intent or requirement of the Building Code or Fire Code, the responsible party shall pay an hourly fee in accordance with the PDS Fee Schedule for field inspection, research and analysis performed by City staff to evaluate the proposal.

G. Noise variance.

Fees for review and inspection of projects submitting a noise variance shall be charged an hourly fee in accordance with the PDS Fee Schedule.

H. Floodplain development review.

FEMA defines “development” as any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. For any development, as defined by FEMA, in a floodplain regulated by Chapter 2.02 of this code, and where the work is exempt from a building or site development permit, fees for plan review and inspection shall be charged an hourly fee in accordance with the PDS Fee Schedule for this development.

I. Appearance as a witness or to provide testimony.

A fee may be required in accordance with the PDS Fee Schedule for civil interviews with City staff. A civil interview shall include any conversation with City employees regarding the employee’s knowledge regarding a referenced incident or generalized knowledge relating to expert testimony and written exchange, including, but not limited to, informal interviews, depositions, court testimony, arbitrations and similar hearings, and requests to review and/or sign documents. Determination of whether a fee will be required will be made by the Director of Planning and Development Services, or designee.

J. Other services and permits.

Where a service or permit is provided and fees have not been specifically addressed in Chapter 2.19 of this code, hourly fees may be charged in accordance with the PDS Fee Schedule for the services provided.

K. Appeals to construction permits.

A fee may be required in accordance with the PDS Fee Schedule where an appeal is made for a permit regulated by TMC 2.02 Building Code, TMC 2.06 Plumbing Code, TMC 2.07 Mechanical Code, TMC 2.08 Energy Code, or TMC 3.02 Fire Prevention Code.

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CHAPTER 2.17

REPEALED

BOARD OF BUILDING APPEALS

Sections:

- ~~2.17.010 — Board of Building Appeals.~~
- ~~2.17.020 — Duties and authority of Board of Building Appeals.~~
- ~~2.17.030 — Hearings — Procedures — Appeals.~~
- ~~2.17.040 — Board member liability.~~

2.17.010 — Board of Building Appeals.

~~There is hereby created and established the Board of Building Appeals of the City of Tacoma, hereinafter called “the Board,” which shall consist of seven members to be appointed by the City Council, pursuant to Section 2.4 of the Charter of the City of Tacoma. Such members shall be selected from persons qualified by training and experience to pass upon matters pertaining to the Building Code, Residential Code, Existing Building Code, Mechanical Code, Fire Code, Plumbing Code, Waterfront Structures and Marina Code, Minimum Building and Structures Code, and Energy Code, none of whom may be a public employee or paid public official. Each member shall hold office for a term of five years or until a successor is appointed. In the event of the death, resignation or removal of any member of the Board, a successor, to serve the unexpired term, shall be appointed in the same manner heretofore provided. The members of the Board shall serve without compensation. The City of Tacoma shall provide such clerical help to the Board as may be required. The Board shall select from among its members a chair and a vice chair who shall serve for one year or until their successors are selected. The Board shall adopt its own rules or procedures to fulfill its function under this Code.~~

~~The Building Official, or appointed representative, shall serve as secretary to the Board of Building Appeals.~~

2.17.020 — Duties and authority of Board of Building Appeals.

~~The Board of Building Appeals shall:~~

~~A. Determine the suitability of alternate materials and methods of construction pertaining to the Building Code, Residential Code, Existing Building Code, Mechanical Code, Fire Code, Plumbing Code, Waterfront Structures and Marina Code, Minimum Building and Structures Code, and Energy Code.~~

~~B. Review an interpretation of the Building Code, Residential Code, Existing Building Code, Mechanical Code, Fire Code, Plumbing Code, Waterfront Structures and Marina Code, Minimum Building and Structures Code, or Energy Code by the Building Official, or duly authorized representative, or the Chief of the Fire Department, or duly authorized representative, when such interpretation is appealed. The Board shall either concur with the contested interpretation or provide a new interpretation.~~

~~Exception: Limitations of Authority. The Board of Building Appeals shall have no authority relative to interpretation of the administrative provisions of these codes, nor shall the Board be empowered to waive requirements of these codes or to grant variances.~~

~~C. Hear appeals of orders or decisions based on the Building Code, Residential Code, Existing Building Code, Mechanical Code, Fire Code, Plumbing Code, Waterfront Structures and Marina Code, Minimum Building and Structures Code, or the Energy Code. The Board shall have the authority to concur with or modify such orders provided both of the following conditions are considered:~~

- ~~1. That life safety and/or building structural integrity are not compromised by modification of the Building Official's Order.~~
- ~~2. Where life safety and building structural integrity is not a factor, whether the improvement provided by the Building Official's Order is relevant to the financial impact imposed.~~

~~D. Review new editions, suggested amendments, and proposed changes to the Building Code, Residential Code, Existing Building Code, Mechanical Code, Fire Code, Plumbing Code, Waterfront Structures and Marina Code, Minimum Building and Structures Code, and Energy Code, and may propose amendments to and changes of the aforementioned codes. The Board shall rule on the appropriateness of new editions along with amendments and changes to the aforementioned codes and make recommendations to the City Council concerning the adoption of said editions, amendments or changes.~~

~~2.17.030 — Hearings — Procedures — Appeals.~~

~~A. An aggrieved party in interest may appeal to the Board, an interpretation, or a decision and order of the Building Official, or duly authorized representative, or of the Chief of the Fire Department, or duly authorized representative, by filing a notice of appeal with the City Clerk and with the secretary of the Board within 30 calendar days from the date of the written interpretation, decision, or order.~~

~~B. The appeal shall be in writing and shall clearly and concisely state the basis for such appeal.~~

~~C. The Board is authorized to promulgate procedural rules for appeal hearings conducted pursuant to this Chapter.~~

~~D. The secretary to the Board shall review the requested appeal and make an initial determination whether said appeal is within the authority of the Board. In the event it is determined that an appeal is not within its authority, the aggrieved party shall be notified, in writing, by the secretary of the Board within ten days following such determination.~~

~~E. The Board shall conduct hearings of all timely appeals, determined to be within the Board's authority, at a date and time certain after having given the aggrieved party in interest not less than ten days' notice thereof. At said hearing the Board shall receive evidence as may be presented by any department of the City of Tacoma and by the aggrieved party in interest. Failure of the aggrieved party, or representative, to appear at the hearing properly noticed may be cause for dismissal of the appeal.~~

~~F. The Board shall render its interpretation of the code, or its decision, as it pertains to the question before it, and make its recommendation within 60 days from the date of the completion of the hearing. Such recommendation or decision shall be made to the Building Official, or duly authorized representative, or to the Chief of the Fire Department, or duly authorized representative. Such recommendation or decision shall include findings of facts based on the evidence presented at the hearing.~~

~~G. For those appeals of dangerous building orders issued by the Hearing Officer pursuant to TMC 2.01.060, the appeal hearing shall be de novo. The Board shall have the authority to affirm, modify, or reverse the Hearing Officer's decision.~~

~~H. The Building Official, or duly authorized representative, or the Chief of the Fire Department, or duly authorized representative, may seek the advice of the Board as to its interpretation of any section of a code by filing a request therefore, as described in subsection A, above.~~

~~I. Appeals of the Board of Building Appeals' interpretations, decisions, penalties, and/or orders pertaining to appeals filed relative to the codes and laws assigned to the authority of the Board shall be made to the superior court within 21 calendar days, from the date of receipt of the interpretation, decision, penalty, and/or order in conformance with RCW 35.80.030(2).~~

~~2.17.040 — Board member liability.~~

~~Members of the Board of Building Appeals, when executing the duties of the Board as authorized by TMC 2.17.020, are officers of the City of Tacoma and are provided all the protection against personal legal liability provided by TMC 1.12.920.~~

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CHAPTER 2.19

SITE DEVELOPMENT CODE

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2.19.030 Site Development Standards and Permit Requirements.

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. Permit Requirements.

1. Permit Requirements.

Except as specified below, no person shall grade clear, pave, level, alter, construct, repair, remove or excavate, soils, pavement, walkways, vaults, private side sewers, private storm drainage facilities, or other site improvements in the City of Tacoma without first having obtained a Site Development Permit. The Director of Planning and Development Services, or designee, shall have the authority to determine if a permit is required for all other activities.

C. Permit Expiration.

At any time during the permitting process: application, plan review, or construction; a permit will expire if no applicant activity within the specific process occurs within 180 days. The City will notify the applicant of its intent to cancel the permit at the end of 180 days. Upon notification, the applicant may request an extension of their permit in writing.

D. Application.

Application for a Site Development Permit shall be accompanied by plans and, as applicable, specifications, and shall conform to the provisions of IBC Section 107. In addition, the application shall state the estimated quantities of excavations, fills, grubbing, and relocation of soil in 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.

E. Bonds.

The City may require bonds in such form and amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous or noncompliant conditions and that any unpaid permit fees are paid.

In lieu of a surety bond, the applicant may file a cash bond or assignment of funds with the City in an amount equal to that which would be required in the surety bond.

F. Exempted Work.

A Site Development 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:

1. 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 two-year period that is not part of a building project or new impervious surface that requires a permit.
2. Clearing less than 7,000 square feet in area meeting at least one of the following:
 - a. Activities in preparation for site surveying, or other associated work. This does not permit grubbing or activities that cause soil disturbance.
 - b. Clearing within ten feet of the perimeter of buildings.

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

3. 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.

4. Refuse disposal sites controlled by other regulations.

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

6. Excavation on private property for wells or tunnels. 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.

7. 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.

8. Exploratory excavations under the direction of a civil engineer or geologist. This shall not exempt any fill made with the material from such excavation. Clearing or grading to construct an access road to an exploratory site shall require a permit if construction requires more than 50 cubic yards of grading or disturbs an area more than 7,000 square feet, whichever is less.

9. Clearing associated with routine maintenance by utility agencies or companies. This does not exempt the utility agencies or companies from being required to follow Recognized Engineering Practices.

10. Clearing or grading in the right-of-way associated with street, alley, or sewer work approved by the Public Works Department or road maintenance conducted in accordance with the Regional Road Maintenance Program.

11. Removal of trees or other vegetation, which cause sight distance obstructions at intersections so determined by the City of Tacoma Traffic Engineer.

12. Removal of hazardous trees on private property provided no more than 50 cubic yards of grading is required and no more than 7,000 square feet of area is disturbed, whichever is less.

13. Forest practices under the jurisdiction of other agencies.

14. Graves in legally established cemeteries.

Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of the City of Tacoma.

G. Emergency Work and Hazards.

1. Emergency Grading.

Emergency Clearing and Grading activities, which if not performed immediately would substantially endanger life or property, are exempt from permits prior to beginning work only to the extent necessary to meet the emergency. Permits authorizing the emergency work will be required as soon as practical after starting work.

2. Slope Stability Hazards.

The owner of the property upon which a landslide or other slope stability hazard has occurred shall be required to repair the slope for the following conditions:

a. The landslide or slope stability hazard has occurred within 50 feet of a building structure.

b. Where determined by the City to be a hazard to life, limb, property or the public welfare.

c. Where determined by the City to adversely affect the safety, use, or stability of a public way or drainage channel.

The owner of the property, upon which the landslide or slope stability hazard is located, or other person or agent in control of said property, upon receipt of notice in writing from the City, shall, within the period specified therein, repair or eliminate the hazard and be in conformance with the requirements of this code. Repair measures must be in conformance with a plan designed by a civil engineer.

H. Definitions.

For the purposes of this chapter, the definitions listed herein shall be construed as specified in TMC 2.19.020.

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CHAPTER 2.22

RIGHT-OF-WAY DEVELOPMENT CODE

Sections:

- 2.22.010 General Provisions.
- 2.22.015 Administrative Provisions.
- 2.22.020 Definitions.
- 2.22.030 Permit Requirements.
- 2.22.040 Off-site Improvement Requirements.

2.22.010 General Provisions.

A. Scope and Intent.

This chapter is intended to supplement the requirements of TMC 10.22 and provide guidance for permitting construction and maintenance activities within the City right-of-way.

B. Authority.

The provisions of this chapter are under the authority of the Director of Planning and Development Services, or designee.

C. Referenced codes, reports, and standards.

This code may reference separate codes or standards, and the provisions of those reference codes or standards shall apply unless they conflict with the provisions in this code. Where there are conflicts, the most restrictive code shall apply as determined by the Director of Planning and Development Services, or their designees.

D. Bonds.

1. Right of Way Bond

- a. A \$15,000 right of way bond shall be required for all persons or entities undertaking work within the City's Right-of-way and must be in a form approved by the City Attorney. Such bond shall be conditioned on the faithful conformance with the provisions of this chapter, and all standards, policies, and codes of the City. This bond may be further conditioned to cover all Permits issued to the applicant, unpermitted work attributed to the bond principal, and any fees, or civil penalties accrued by the applicant. This bond shall remain in effect for a period of 12 months following completion of any right-of-way work.
- b. Exemptions – The Director or designee shall be authorized to develop rules, policies, or procedures that exempt limited right-of-way work for the ROW Bond Requirement.

2. Performance Bond

- c. A Performance bond shall be delivered to the City, prior to the issuance of a Work Order permit. The bond shall be equal to the sum of the value of the Work to be performed, but, in any event, not less than \$15,000. And be in a form to be approved by the City Attorney. Such bond shall be continuously in effect from the date of issue and may be further conditioned to cover and any fees, or civil penalties accrued by the applicant.

E. Violations.

- 1. The City may issue an order assessing civil penalties against a responsible party as part of a notice of violation or compliance order, or as a separate enforcement action for violations of policies, standards, permit conditions, or TMC. Responsibility for violations is joint and several, and the city is not prohibited from taking action against a person where other persons may also be potentially responsible for a violation; nor is the city required to take action against all persons potentially responsible for a violation. Payment of a civil penalty does not relieve a person or persons of the duty to correct the violation.

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CHAPTER 2.23

TOWER CRANE CODE

Sections:

- 2.23.010 General.
- 2.23.015 Administrative Provisions.
- 2.23.020 Definitions.
- 2.23.030 Tower Crane Permit Requirements.

2.23.010 General.

A. Scope and Intent.

This chapter provides permitting requirements for the assembly, disassembly, and reconfiguration of Tower Cranes as required by 36.70B RCW.

B. Authority.

The provisions of this chapter are under the authority of the Director of Planning and Development Services, or their designee.

C. Referenced codes and standards.

The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. To the extent any differences exist between the provisions of this code and the referenced standards, the most restrictive shall apply as determined by the Director of Planning and Development Services, or their designees.

2.23.015 Administrative Provisions.

A. The Director of Planning and Development Services shall have the authority to develop rules, policies, and administrative procedures for, but not limited to, the following items:

1. Public notifications.

Notices may be required for any permits issued under this chapter. When required, the notices shall be completed prior to the start of construction.

2. Project Meetings.

Permittees, contractors, and others associated with a permit may be required to attend Project Meetings related to permit requirements, to address neighborhood impacts such as dust and construction noise or other neighborly issues that arise from the contractor's activities.

3. Construction Nuisances.

Additional requirements may be imposed on project construction activities that impact the surrounding neighborhood, such as public safety, dust and construction noises. Identification of these issues may be by a complaint, City and/or other regulatory inspection. A project meeting may be called to address the impacts.

4. Adjacent Properties.

No person engaged in work regulated by this chapter may utilize the neighboring properties for parking, materials storage, staging, access, or any other activity without the consent of the owner.

B. Violations of TMC 2.23~~19~~ or any provision as required by the Director of Planning and Development Services under TMC 2.23~~19~~.015 shall be administered as outlined in TMC 1.82 - Uniform Enforcement Code, and/or Chapter 2.02.130 of this code.

C. As authorized by RCW 36.70B.140 permits issued under this section are exempt from the timeline provisions of RCW 36.70B.060 through RCW 36.70B.090 and 36.70B.110 through 36.70B.130.

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CHAPTER 3.02 FIRE PREVENTION CODE

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3.02.130 Amendment to IFC Section 111 – Means of Appeals.

Section 111 is hereby deleted and replaced by reference by TMC 2.02.120.

~~111.1 The Board of Building Appeals.~~

~~The Board of Building Appeals, as created by TMC Chapter 2.17, is the properly designated Board of Appeals for this code. The Board of Building Appeals, within the authority granted it by TMC Chapter 2.17, shall:~~

~~Hear and decide properly filed appeals of orders, decisions, or determinations made by the fire chief or duly authorized representatives relative to the application and interpretation of this code.~~

~~111.2 Limitations of Authority.~~

~~An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The Board of Building Appeals shall not be empowered to waive requirements of this code or to grant variances unless specifically granted in TMC Chapter 2.17.~~

~~111.3 Qualifications.~~

~~The Board of Building Appeals shall consist of members who are qualified as specified in TMC Chapter 2.17.~~

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