




TO: Elizabeth Pauli, City Manager
FROM: William C. Fosbre, City Attorney
Chris Bacha, Chief Deputy City Attorney 
COPY: City Council and City Clerk
SUBJECT: Ordinance enacting the Uniform Enforcement Code – May 8, 2018
DATE: April 9, 2018

SUMMARY:

Amending Title 1 of the Tacoma Municipal Code by the addition of a new Chapter 1.82, entitled “Uniform Code Enforcement,” and a new Chapter 1.84, entitled “Hearing Examiner – Appeal of code enforcement actions,” to create a uniform administrative process for code enforcement and appeals of code enforcement actions, and to enhance enforcement efforts.

STRATEGIC POLICY PRIORITY:

- Strengthen and support a safe city with healthy residents.
- Encourage and promote an efficient and effective government, which is fiscally sustainable and guided by engaged residents.

BACKGROUND:

The Tacoma Municipal Code includes administrative penalty and enforcement provisions comprising nearly 100 pages of varying penalties, procedures, and rights to appeal. While some of the disparity is the result of state or federal requirements, the vast majority are these provisions could be consolidated and enhanced. Further, many of the penalty and enforcement provisions have not been updated to conform to contemporary due process standards and statutory requirements.

Nearly 25% of the 281 cities in Washington State have adopted uniform provisions for administrative code enforcement. Uniform code enforcement provisions centralize the administrative procedures for issuance and enforcement of code violations within the municipal code and create uniformity of process. There are multiple advantages to this approach: (1) the uniform code creates more robust, consistent, and predictable enforcement procedures; (2) it provides the public and the City’s code enforcement officers with a single process, making it easier for the public to understand and minimizing the opportunities for errors; (3) the uniform enforcement code complies with due process requirements; (4) amendments to enforcement provisions are more straightforward; and (5) the uniform enforcement code provides flexibility when and where needed.

ISSUE:

The lack of uniformity among the City’s existing administrative code enforcement provisions creates inconsistency in enforcement, leading to inefficiency and inequity. Further, many of the existing penalty and enforcement provisions lack the enforcement tools found in a uniform enforcement code.

ALTERNATIVES:

The City Council could reject the proposed ordinance and code enforcement could continue under the current provisions of the Municipal Code. This is not a preferred alternative because the current enforcement provisions of the Municipal Code lack consistency, are not as robust as the uniform enforcement code, and in some cases, do not comply with due process.



RECOMMENDATION:

The Government Performance and Finance Committee considered the proposed ordinance at its April 3, 2018, meeting and made a do-pass recommendation. The City Attorney's Office recommends adoption of the proposed ordinance. Adoption of the proposed ordinance will update the City's code enforcement procedures with uniform administrative enforcement actions and appellate procedures that meet due process requirements and are more consistent with practices across the state. With this ordinance in place, City staff can begin reviewing the many penalty and enforcement provisions throughout the code and seek amendments to bring those provisions under the enforcement provisions of the uniform enforcement code.

FISCAL IMPACT:

There is no fiscal impact.