



ORDINANCE NO. 28799

1 BY REQUEST OF COUNCIL MEMBERS HUNTER, USHKA, AND WALKER

2 AN ORDINANCE relating to Public Ways; amending, renaming and renumbering
3 Chapter 9.16 of the Tacoma Municipal Code, relating to Streets and
4 Sidewalks - Keeping Clean, by adding two new sections to prevent
5 obstruction and damage to sidewalks from the loading, unloading and
6 transport of goods, and amending the penalty provision to align with
7 Tacoma's Uniform Enforcement Code.

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

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

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

17 BE IT ORDAINED BY THE CITY OF TACOMA:

18 Section 1. That the foregoing Recitals are hereby adopted as the City
19 Council's legislative findings.

20 Section 2. That the proposed amending, renaming and renumbering of
21 Chapter 9.16 of the Tacoma Municipal Code ("TMC"), relating to Streets and
22 Sidewalks - Keeping Clean, by adding two new sections to prevent obstruction
23 and damage to sidewalks from the loading, unloading and transport of goods, and
24 amending the penalty provision to align with Tacoma's Uniform Enforcement
25 Code, is hereby approved.
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Section 3. That Chapter 9.16 of the TMC, "Streets and Sidewalks - Keeping Clean," is hereby amended as set forth in the attached Exhibit "A."

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

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

CHAPTER 9.16
STREETS AND SIDEWALKS – KEEPING CLEAN AND UNOBSTRUCTED

Sections:

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

* * *

9.16.060 Loading or Unloading on Sidewalks.

The loading or unloading of goods and commodities used or required in the ordinary course of business conducted in the building abutting any sidewalk is permitted when there is no other practical or convenient way of access to the building. All such loading and unloading shall be done continuously and with dispatch and the sidewalk cleared of all such articles without delay, and an adequate portion of the sidewalk shall be kept open at all times for use by pedestrians.

9.16.070 Damage to Sidewalks from Loading, Unloading or Transportation.

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

9.16.080 Violation – Penalties.

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

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