



**SUBSTITUTE
ORDINANCE NO. 28799**

1 BY REQUEST OF COUNCIL MEMBER USHKA AND COUNCIL MEMBERS HINES
2 AND WALKER

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

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

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

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

19 BE IT ORDAINED BY THE CITY OF TACOMA:

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

22 Section 2. That the proposed amending, renaming and renumbering of
23 Chapter 9.16 of the Tacoma Municipal Code ("TMC"), relating to Streets and
24 Sidewalks - Keeping Clean, by adding three new sections to prevent obstruction
25 and damage to sidewalks from the loading, unloading and transport of goods,
26



establishing a sidewalk right-of-use permit process, and amending the penalty provision to align with Tacoma's Uniform Enforcement Code, is hereby approved.

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

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

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

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

9.16.070 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 Permits.

Businesses that operate on Core Pedestrian Streets, as designated in the Tacoma Municipal Code, which have loading and unloading operations that utilizes equipment for palletized supplies or any other equipment deemed by the PDS Director to have the potential to cause damage to the pedestrian infrastructure shall be required to obtain a right-of-way use permit for this operation. This right-of-way use permit shall include a \$15,000 performance bond, and shall be conditioned to cover the liability of any entity providing loading operations to this business. This requirement shall not apply for businesses on Core Pedestrian Streets with loading or unloading operations that do not cross pedestrian facilities. This right-of-way use permit may be authorized for a period of 12 months and may be applied for on an annual basis.

Businesses, including those that operate on Core Pedestrian Streets, that obtain an annual right-of-use permit and performance bond may be authorized as a condition of their right-of-use permit to temporarily occupy the right-of-way for loading and unloading, provided that an adequate portion of the sidewalk is kept open at all times for use by pedestrians. However, the temporary occupancy shall not exceed one business day.



9.16.0890 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.

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