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STATE OF WASHINGTON

No. 80684-5

80684-5

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THE SUPREME COURT  
STATE OF WASHINGTON

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PAUL W. POST,

Petitioner,

vs.

CITY OF TACOMA, DEPARTMENT OF PUBLIC WORKS, BUILDING  
AND LAND USE SERVICES DIVISION;  
RISK MANAGEMENT ALTERNATIVES, INC.;  
and CHARLES SOLVERSON,

Respondents.

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**RESPONDENT CITY OF TACOMA'S  
ANSWER TO PETITIONER'S PETITION  
FOR DISCRETIONARY REVIEW**

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**TABLE OF CONTENTS**

I. IDENTITY OF RESPONDENT .....1

II. COUNTERSTATEMENT OF ISSUES .....1

III. STATEMENT OF THE CASE .....1

    A. Statement of facts.....1

        1. Post’s properties.....1

        2. The City’s Minimum Buildings and Structures Code.....1

        3. Initial notices of violations and rights to appeal .....2

        4. Additional penalties and rights to appeal.....2

        5. The City’s reinspections and additional penalties .....3

    B. Statement of Procedure .....5

IV. ARGUMENT.....6

    A. The decision of the Court of Appeals is fully consistent with decisions of other Courts of Appeals...6

    B. This case does not present an issue of substantial public interest that should be decided by the supreme court.....9

    C. The decision of the Court of Appeals does not raise a significant question of law under the constitutions .....11

        1. TMC 2.01 is wholly consistent with the City’s police power under the Washington State Constitution.....12

2.	TMC 2.01.060 is consistent with the due process clause.....	13
a.	The City did not violate Post's procedural due process rights.....	14
b.	The City did not violate Post's substantive due process rights.....	15
3.	The City did not violate the excessive fines clause.....	17
a.	The Eighth Amendment does not prohibit the penalties here because they do not constitute punishment .....	17
b.	Even if the excessive fines clause does apply, the penalties are not excessive .....	18
V.	CONCLUSION.....	20

## TABLE OF AUTHORITIES

### Cases

<u>Albright v. Oliver</u> , 510 U.S. 266, 127 L.Ed.2d 114, 114 S. Ct. 807 (1994).....	16
<u>Anderson Nat. Bank v. Lueckett</u> , 321 U.S. 233, 64 S. Ct. 599, 88 L.Ed. 692 (1944).....	14
<u>Austin v. United States</u> , 509 U.S. 602, 113 S. Ct. 2801, 125 L.Ed.2d 488 (1993).....	17
<u>Balice v. United States Department of Agriculture</u> , 203 F.3d 684 (9th Cir. 2000) .....	19
<u>Cole v. United State Dept. of Agriculture</u> , 144 F.3d 803 (11th Cir. 1998) .....	19
<u>Cooper Indus., Inc. v. Leatherman Tool Group, Inc.</u> , 532 U.S. 424, 121 S. Ct. 1678, 149 L.Ed.2d 674 (2001).....	16
<u>Euclid v. Ambler Realty Co.</u> , 272 U.S. 365, 47 S. Ct. 114, 71 L.Ed. 303 (1926).....	16
<u>Habitat Watch v. Skagit County</u> , 155 Wn.2d. 397, 120 P.3d 56 (2005).....	9
<u>Hudson v. United States</u> , 522 U.S. 93, 118 S. Ct. 488, 139 L.Ed.2d 450 (1997).....	17
<u>In re Personal Restrain of Gronquist</u> , 138 Wn.2d 388, 978 P.2d 1083 (1999).....	13
<u>Isla Verde Intn'l Holdings, Inc. v. City of Camas</u> , 146 Wn.2d 740, 49 P.3d 867 (2002).....	11, 12
<u>James v. Kitsap County</u> , 154 Wn.2d 574, 115 P.3d 286 (2005).....	7, 9

<u>Paul Post v. City of Tacoma, et. al.,</u> No. 34808-0-II (Wash. Ct. Ap. Aug. 14, 2007) .....	5, 7, 8, 11
<u>Samuel’s Furniture, Inc., v. Dep’t of Ecology,</u> 147 Wn.2d 440, 54 P.3d 1194 (2002) .....	9
<u>Standard Oil Co. v. City of Marysville,</u> 279 U.S. 582, 49 S. Ct. 430, 73 L.Ed. 856 (1929) .....	16
<u>State v. Canfield,</u> 154 Wn.2d 698, 116 P.3d 391 (2005) .....	18
<u>State v. Gunwall,</u> 106 Wn.2d 54, 720 P.2d 808 (1986) .....	13
<u>Town of Castle Rock v. Gonzales,</u> 545 U.S. 748, 125 S.Ct. 2796, 162L.Ed.2d 658 (2005) .....	14
<u>Traficanti v. United States,</u> 227 F. 3d 1013 (9th Cir. 2003) .....	19
<u>United States v. Bajakajian,</u> 524 U.S. 321, 118 S. Ct. 2028, 141 L.Ed.2d 314 (1998) .....	17, 18
<u>United States v. Emerson,</u> 107 F.3d 77 (1st Cir. 1997) .....	20
<u>United States v. Lanier,</u> 520 U.S. 259, 117 S.Ct. 1219, 137 L.Ed.2d 432 (1997) .....	16
<u>United States v. Mackby,</u> 339 F.3d 1013 (9th Cir. 2003) .....	17, 19
<u>United States ex rel. Smith v. Gilbert Realty Co., Inc.,</u> 840 F. Supp. 71 (E.D. Mich. 1994) .....	20
<u>Usery v. Turner Elkhorn,</u> 428 U.S. 1, 96 S. Ct. 2882, 49 L.Ed.2d 752 (1976) .....	13

<u>Vasudeva v. United States,</u> 214 F.3d 115 (9th Cir. 2000) .....	19
<u>WCHS v. City of Lynnwood,</u> 120 Wn. App. 668, 86 P.3d 1169 (2004) .....	7, 8, 9
<u>Weden v. San Juan County,</u> 135 Wn.2d 678, 958 P.2d 273 (1998) .....	12
<u>Wenatchee Sportsmen Ass'n v. Chelan County,</u> 141 Wn.2d 169, 4 P.3d 123 (2000) .....	9

**Statutes and Ordinances**

RCW 36.70C .....	1, 5, 6
RCW 36.70C.020(1) .....	6
RCW 36.70C.040(2) .....	7
RCW 36.70C.060(2)(d) .....	7
RCW 36.70C.130(f) .....	9
TMC 2.01 .....	1, 2, 12, 13, 16
TMC 2.01.020 .....	18
TMC 2.01.060 .....	5, 6, 7, 12, 13
TMC 2.01.060(6) .....	7
TMC 2.01.060(7) .....	7
TMC 2.01.060.C.4 .....	2
TMC 2.01.060.D .....	4
TMC 2.01.060.D.4 .....	2
TMC 2.01.060.D.4.b .....	3, 17
TMC 2.01.060.D.4.c-e .....	4
TMC 2.01.060.D.4.e .....	4
TMC 2.01.060.D.4.f .....	4
TMC 2.01.060.D.5 .....	4, 13
TMC 2.01.060.D.6.b .....	2, 3, 5, 14
TMC 2.01.060.E .....	4
TMC 2.01.060.E.1 .....	2
TMC 2.01.060.E.3 .....	3, 15
TMC 2.01.060.E.3.a .....	2
TMC 2.01.060.E.3.b .....	3, 17
TMC 2.01.060.E.3.c-e .....	4
TMC 2.01.060.E.3.e .....	4

TMC 2.01.060.E.4.2.e.....	4, 13
TMC 2.01.060.E.5 .....	2, 7
TMC 2.01.060.E.5.b .....	3, 5, 14
TMC 2.01.060.E.6. ....	7
TMC 2.01 Table A-E .....	2
TMC 2.01 Table F.....	3

**Other Authority**

Eighth Amendment United States Constitution.....	16, 17, 18, 19
Fourteenth Amendment United States Constitution .....	13, 16
RAP 2.5(a) .....	18
RAP 13.4(b) .....	6, 10, 20
RAP 13.4(b)(2) .....	6
RAP 13.4(b)(3) .....	6, 11
RAP 13.4(b)(4).....	6
Washington State Constitution, Article XI, Section 11 .....	12, 13

**I. IDENTITY OF RESPONDENT**

Respondent is the City of Tacoma, Department of Public Works, Building and Land Use Services Division, and Charles Solverson (collectively referred to as the “City”).

**II. COUNTERSTATEMENT OF ISSUES**

The Land Use Petition Act, RCW 36.70C, requires a party to appeal a final land use decision within 21 days. Post did not appeal the City’s decision within 21 days. Did the Court of Appeals correctly hold that all of Post’s claims are barred?

**III. STATEMENT OF THE CASE**

**A. Statement of facts**

**1. Post’s properties.**

Post owns 41 properties within Pierce County, which are worth more than \$5 million. At least 22 of Post’s properties in the City are currently, or have recently been, in a state of extreme disrepair and neglect. CP 13, 184.

**2. The City’s Minimum Buildings and Structures Code.**

Properties within the City must comply with the Minimum Building and Structures Code, Tacoma Municipal Code (TMC) Chapter 2.01.<sup>1</sup> Under TMC 2.01, structures with specified problems accumulate points depending on the type of violation. For example, a broken or plugged sewer has a

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<sup>1</sup> For the Court’s convenience, a copy of TMC 2.01 is attached.

maximum of 25 points. See TMC 2.01 Tables A through E. If the structure reaches 50 points, it is substandard. TMC 2.01.060.C.4. If the building has at least 50 points and has more serious problems, such as hazardous wiring, the building is derelict and unfit for human occupancy. TMC 2.01.060.E.1. Nine of the 22 properties here are substandard; 13 are derelict and uninhabitable. CP 233.

### **3. Initial notices of violations and rights to appeal.**

In 1999, the City began inspecting many of Post's properties for compliance with TMC 2.01. For 22 properties violating the minimum standards, the City sent notice of violation letters to Post notifying him that the properties were either substandard or derelict. CP 13, 48, 53, 59, 65, 71, 76, 83, 88, 95, 102, 107, 114, 122, 131, 134, 136, 142, 150, 157, 165, 173, 181, 317-34. These notices described the violations, advised Post how to appeal, and told him that if he did not comply with the building code, "a civil citation will be issued." CP 317-18; TMC 2.01.060.D.4 and D.6.b (substandard) and TMC 2.01.060.E.3.a and E.5 (derelict).

For most of his properties, Post agreed to work schedules and inspection dates. CP 59, 65, 71, 76, 83, 88, 95, 102, 107, 114, 122, 131, 134, 136, 165, 181. But Post consistently failed to comply with the schedules. CP 9, 17, 43, 139.

**4. Additional penalties and rights to appeal.**

After Post did not timely repair his properties, the City assessed first penalties in the amount of \$125 per property, as consistent with the TMC and the notices Post received. CP 335; TMC 2.01.060.D.4.b and E.3.b. Post was notified that if did not submit a work schedule to the City, the City would impose “further penalties in accordance with section 2.01.060.E.3 of the Minimum Building and Structure Code.” CP 335.

Again, Post had the right to appeal. CP 335; TMC 2.01.060.D.6.b and E.5.b. In every instance but one, Post failed to timely appeal the notices of violation or the first penalties. CP 9, 43, 139, 315, 394.<sup>2</sup>

**5. The City’s reinspections and additional penalties.**

Pursuant to the City’s code and the work schedules, the City continued to inspect Post’s properties. If the properties were still in violation of the code, the City imposed penalties—increased to \$250—and sent Post reminder notices to this effect. TMC 2.01.060.D.4.b and E.3.b, and Table F. See CP 13, 48, 53, 59, 65, 71, 76, 83, 88, 95, 102, 107, 114, 122, 131, 134, 136, 142, 150, 157, 165, 173, 181, 317-34. The additional penalties imposed—for Post’s continuing failure to comply with the building code—were based on continuing violations noted in the original reports.

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<sup>2</sup> In the case for 711 South 17th Street, the Hearing Examiner affirmed the City’s penalties. Post sought review in the Superior Court, and the court dismissed the appeal with prejudice. See Pierce County Superior Court Cause No. 04-2-13665-8; CP 9, 150. Post did not appeal.

If the properties continued to be substandard or derelict, the City imposed second, third, and fourth penalties. TMC 2.01.060.D.4.c-e and E.3.c-e. And finally, the City imposed penalties for consecutive days at a time. TMC 2.01.060.D.4.f and E.3.e. The City fined Post when it inspected the property and when Post failed to comply with work schedules. CP 9.<sup>3</sup>

Each penalty notice clearly stated that failure to comply with the building code or submit a work schedule to the City “will result in further penalties being assessed.” The “Civil Infraction Penalty Assessment” attached to each penalty letter cited TMC 2.01.060.E or TMC 2.01.060.D, depending on whether the property was derelict or substandard. Moreover, it identified the amount of each penalty and notified Post that subsequent penalties would be \$250 per day. CP 341-50.<sup>4</sup>

By the time Post filed his original lawsuit in March 2005, the City stopped fining Post on most of his properties.<sup>5</sup> No fines have been imposed since July 2005. CP 13, 48, 53, 59, 65, 71, 76, 83, 88, 95, 102, 107, 114, 122, 131, 134, 136, 142, 150, 157, 165, 173, 181, 317-34.

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<sup>3</sup> The City is authorized to impose penalties “until all outstanding violations have been corrected.” TMC 2.01.060.D.5 and E.4.2.e.

<sup>4</sup> For the Court’s convenience, copies of CP 341-351 are attached.

<sup>5</sup> This was not because Post had complied with the building code, but because the City learned that continuing to fine Post did not encourage Post to comply. TMC 2.01.060.D.4.e and E.3.e (“The owner may be assessed a civil penalty every calendar day....”) (Emphasis added).

**B. Statement of Procedure**

Many years after the first penalties were imposed, Post appealed them. CP 275. Post was required to appeal the notices of violation or the first penalties within 30 days of their issuance. See TMC 2.01.060.D.6.b and E.5.b. Thus, his appeals were untimely and the City denied them. Id.

In March 2005—six years after the City first began imposing fines—Post filed a lawsuit asserting numerous claims concerning the City’s penalties on his properties. CP 567-575.

After cross motions for summary judgment, the Superior Court granted summary judgment in favor of the City. CP 560-64. The Superior Court held, in part, that Post failed to exhaust his administrative remedies under the Land Use Petition Act, RCW 36.70C.

In a published opinion, the Court of Appeals, Division II, affirmed the trial court’s grant of summary judgment to the City. Paul Post v. City of Tacoma et al., No. 34808-0-II (Wash. Ct. App. Aug. 14, 2007). In its decision, the Court of Appeals held “Post did not file a land use petition within 21 days, nor did he exhaust his administrative remedies available under TMC 2.01.060. His claims are therefore barred.” Post, 165 P.3d at --. Post now petitions this court for review.

#### IV. ARGUMENT

This Court should not accept Post's petition for review because the decision of the Court of Appeals is correct and Post has not met any of the criteria governing review under RAP 13.4(b). Post relies on RAP 13.4(b)(2), (3) and (4). The decision of the Court of Appeals case does not conflict with another decision of the Court of Appeals. Nor does it present a significant question of law under the Washington State or United States constitutions or a new issue of substantial public interest that requires determination by this Court.<sup>6</sup>

**A. The decision of the Court of Appeals is fully consistent with the decision of other Courts of Appeals.**

Consistent with the case law, the Court of Appeals very clearly reiterated that requirements of the Land Use Petition Act ("LUPA") under RCW 36.70C. LUPA dictates how a party can appeal a "final determination" of a land use decision. RCW 36.70C.020(1). LUPA is "the exclusive means of judicial review of land use decisions." RCW 36.70C.020(1). A land use petition must be filed "within twenty-one days of the issuance of a land use decision." A land use petition is

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<sup>6</sup> Post also claims that the ordinance outlining the penalties in TMC 2.01.060 violates state law. See Petition for Review, pp. 8-9. But claiming the City's ordinance violates state law is not one of the basis for which this Court will accept review. See RAP 13.4(b).

barred unless it is timely filed and served. RCW 36.70C.040(2); James v. Kitsap County, 154 Wn.2d 574, 583, 115 P.3d 286 (2005).

In its decision, the Court of Appeals found that the notices of violation and first penalties were “final decisions” under LUPA. The Court held “Post did not file a land use petition within 21 days, nor did he exhaust his administrative remedies available under TMC 2.01.060. His claims are therefore barred.” Post, 165 P.3d at --. Because Post did not meet the jurisdictional requirements under LUPA, the Court stated that it “need not address his other arguments.” Id. at --.<sup>7</sup>

Post claims this holding conflicts with WCHS v. City of Lynnwood, 120 Wn. App 668, 86 P.3d 1169 (2004). Post argues that WCHS held that LUPA does not apply “a local authority’s decisions that are not appealable.” Petition, p. 10. In essence, Post claims—without citation to authority—that if he was not entitled to appeal some of the penalties, then LUPA does not bar his claims about the penalties.

Post’s arguments do not withstand scrutiny. In WCHS, the city of Lynnwood sent two letters to developers stating that their building

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<sup>7</sup> What Post should have done was seek review of either the initial notice of violation or the first penalty on each property to the City’s Building Official and then to the City’s Hearing Examiner. TMC 2.01.060(6) and (7); E(5) and (6). If Post disagreed with the Hearing Examiner’s decision, he could file a LUPA petition in Superior Court. But if Post did not appeal the penalties to the Building Official and the Hearing Examiner, he could not file a LUPA petition because he would not have exhausted his administrative remedies as required. See RCW 36.70C.060(2)(d).

applications were incomplete. Lynnwood argued that the letters were final decisions under LUPA and that since the developers did not appeal them, their lawsuit was barred. The Court of Appeals disagreed holding that there was nothing “final” about the letters. In other words, the letters did not trigger the time period to appeal under LUPA. Thus, LUPA did not bar the developers’ lawsuit. WCHS, 120 Wn. App. at 679-80.

Those facts, and the Court’s holding, are in stark contrast to this case. Here, as early as 1999, Post was notified he could appeal the notice of violation or the first civil penalty imposed on each property. He was also notified that penalties would continue to accrue if he failed to comply. Unlike the letters in WCHS, the notices of violation and first penalties here were final decisions under LUPA. Post, 165 P.3d at ---. Post merely chose not to appeal those final decisions. When Post filed his complaint in March 2005, his opportunity to appeal the later penalties that directly related to the original violations was over.<sup>8</sup> CP 567-575.

Post was not entitled to appeal the subsequent penalties because those penalties directly related to only those violations cited in the original notice. To allow a property owner to appeal each subsequent penalty—

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<sup>8</sup> Post focuses on one property where he claims he fixed everything except for “painting the gables” but the City still fined him. CP 223. The City stopped fining Post on this property in February 2005. CP 172-73. Post did not present any evidence about whether everything was essentially fixed before or after that date.

which are based only on the original violations—would essentially permit them to relitigate the same underlying violations indefinitely.

Here, the decision of the Court of Appeals is entirely consistent with WCHS and other LUPA decisions. In this case, the Court of Appeals confirmed, yet again, that a party must appeal a land use decision within 21 days of its issuance or any claims regarding that decision are barred.<sup>9</sup>

**B. This case does not present an issue of substantial public interest that should be decided by the supreme court.**

As just outlined, a party's failure to timely file a petition under LUPA has been litigated countless times. There is no question that if a party does not file a petition within 21 days of a final land use decision, all of his claims relating to that decision are barred.

Post argues that because the City's Hearing Examiner could not rule on constitutional issues, then an issue of substantial public interest exists and the supreme court should take the case. Petition, p. 6. This claim fails because Post could have raised constitutional issues in a timely filed LUPA petition.

In fact, LUPA contemplates just that. Under RCW 36.70C.130(f), the court may grant relief if the "land use decision violates the

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<sup>9</sup> See e.g., James v. Kitsap County, 154 Wn.2d 574, 583, 115 P.3d 286 (2005); Habitat Watch v. Skagit County, 155 Wn.2d 397, 406, 120 P.3d 56 (2005); Samuel's Furniture, Inc. v. Dep't of Ecology, 147 Wn.2d 440, 450, 54 P.3d 1194 (2002); Wenatchee Sportsmen Ass'n v. Chelan County, 141 Wn.2d 169, 181, 4 P.3d 123 (2000).

constitutional rights of the party seeking relief.” For Post to argue that raising constitutional claims, in and of itself, means an issue of substantial public interest exists, that would mean the supreme court should accept review in every case where a party raises a constitutional issue. This cannot be what RAP 13.4(b) was intended to do.

Post appears to argue that this case raises an issue of substantial public interest because the City’s “fining continued even after the complaint was filed.” Petition, p. 7. Post does not cite to any authority to support his claim that continuing to fine Post would be inappropriate. More importantly, Post misrepresents the facts of this case.

Post filed his lawsuit in March 2005. CP 293, 567-575. By the time Post filed it, the City stopped fining him on most of his properties. In fact, the City imposed only \$10,000 worth of fines after March 2005. CP 13, 48, 53, 59, 65, 71, 76, 83, 88, 95, 102, 107, 114, 122, 131, 134, 136, 142, 150, 157, 165, 173, 181, 317-34. No fines have been imposed since July 2005. Post cites to no authority supporting his claim that this small amount of fines is a basis to show an issue of substantial public interest.

Finally, although the Court of Appeals, in a footnote, expressed some concern about the possibility of “arbitrary and capricious action” and that “it could be unreasonable to continue to impose” fines if the owner had repaired most of the problems, the Court not only refused to reach this

issue, but it stated that Post failed to use available avenues for relief:

“[T]his is an issue that Post could have raised in the administrative process or through a timely filed LUPA petition.” Post, 165 P.3d at ---, n.7. Just because Post failed to exercise his right to appeal does not now create an issue of substantial public interest warranting review.

**C. The decision of the Court of Appeals does not raise a significant question of law under the Constitutions.**

Post tries to convince the Court that significant constitutional issues exist. But other than raising these claims again, Post does not state why they are so significant that this Court should address them.<sup>10</sup>

Moreover, although the Superior Court granted summary judgment in favor of the City on all of the constitutional issues Post raised, the Court of Appeals held that it did not need to reach those issues. CP 560-64.

Because “Post did not file a land use petition within 21 days...[h]is claims are therefore barred” and the Court “need not address his other arguments.” Post, 165 P.3d at --.

The Court of Appeals adhered to the “fundamental principle that if a case can be decided on nonconstitutional grounds, an appellate court should refrain from deciding constitutional issues.” See Isla Verde Intn’l

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<sup>10</sup> Apparently in an effort to demonstrate a significant constitutional issue exists, Post argues that he raised issues of fact that should be determined by the “trier of fact.” Petition for Review, p. 10, 14. It is unclear how claiming an issue of fact exists can lead to a “significant question of law under the Constitution” under RAP 13.4(b)(3).

Holdings, Inc., v. City of Camas, 146 Wn.2d 740, 752, 49 P.3d 867

(2002). Because this case can easily be resolved on statutory grounds, there is no valid reason why this Court should reach the constitutional issues either. Even if it did, the City would still prevail.

**1. TMC 2.01 is wholly consistent with the City's police power under the Washington State Constitution.**

TMC 2.01 was adopted pursuant to the City's police power to protect the health, safety, and welfare of its citizens as granted by the Washington State Constitution, Article XI, § 11. That provision states that a city "may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws."

Courts have consistently held that a City's police power is broad. "It is universally conceded to include everything essential to the public safety, health, and morals...." Weden v. San Juan County, 135 Wn.2d 678, 691, 958 P.2d 273 (1998) (emphasis in original; citation omitted). This power is firmly rooted in the state's history and its scope has not declined. Weden, 135 Wn.2d at 692. An ordinance will be upheld unless it is "clearly unreasonable, arbitrary or capricious." Id. at 700.

Despite this broad authority, Post argues TMC 2.01.060 exceeds the City's statutory authority and violates Article XI, § 11 of the Washington State Constitution. Petition, p. 9.

There is little question that building regulations are for the health, safety, and welfare of the public. The City has chosen to impose penalties to gain compliance with the building regulations. This includes imposing penalties “until all outstanding violations have been corrected.”

TMC 2.01.060.D.5 and E.4.2.e. Doing so is the means how the City has chosen to protect the public and the occupants of these houses. TMC 2.01 is fully consistent with the City’s police power under Article XI, § 11.

Consequently, Post fails to show that there is a significant question of law under the Washington State Constitution.

**2. TMC 2.01.060 is consistent with the due process clause.**

The Fourteenth Amendment of the United States Constitution<sup>11</sup> prohibits state action that would deprive “any person of life, liberty, or property without due process of law.” “The burden is on one complaining of a due process violation to establish that the legislature has acted in an arbitrary and irrational way.” Usery v. Turner Elkhorn, 428 U.S. 1, 15, 96 S. Ct. 2882, 49 L. Ed. 2d. 752 (1976).

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<sup>11</sup> Post’s due process and excessive fines constitutional challenges should be analyzed under the United States Constitution, and not the state constitution. This is because Post has failed to analyze whether these particular state constitutional provision provides for any greater protection than the analogous federal constitutional provision. State v. Gunwall, 106 Wn.2d 54, 61-62, 720 P.2d 808 (1986). If a party fails to engage in a Gunwall analysis, then the Court will not review the state constitutional arguments. E.g., In re Personal Restraint of Gronquist, 138 Wn.2d 388, 406, n. 12, 978 P.2d 1083 (1999).

a) **The City did not violate Post's procedural due process rights.**

Post is entitled to procedural due process here—money is a property interest protected by procedural due process. Town of Castle Rock v. Gonzales, 545 U.S. 748, 125 S. Ct. 2796, 2823, 162 L. Ed. 2d 658 (2005). The fundamental requirement of due process is an opportunity to be heard upon such notice and proceedings “as are adequate to safeguard the right for which the constitutional protection is invoked. If that is preserved, the demands of due process are fulfilled.” Anderson Nat. Bank v. Lockett, 321 U.S. 233, 246, 64 S. Ct. 599, 88 L. Ed. 692 (1944). Measured by this standard, the City fully afforded Post due process.

Post was entitled to appeal the initial notice of violation or the first penalty imposed—which occurred as early as 1999—on each property. Post claims that the City violates his due process rights because the City's ordinance does not permit Post to appeal any of the subsequent penalties imposed. Petition, pp. 10-11. The reason Post was not entitled to appeal those penalties is because any subsequent penalties were imposed based only on those violations cited in the original notice of violation. TMC 2.01.060.D.6.b and E.5.b. As explained above, allowing a property owner to appeal each subsequent penalty would allow them to relitigate the same underlying violation forever.

Post knew full well, as far back as 1999, that penalties would continue to accrue if he failed to comply with the code. In a letter accompanying the first penalty assessment, Post was notified that if he did not submit a work schedule to the City, the City would impose “further penalties in accordance with section 2.01.060.E.3 of the Minimum Building and Structure Code.” CP 335. Later penalty notices stated that failure to comply with the building code or submit a repair work schedule to the City “will result in further penalties being assessed.” CP 341, 345, 347, 349. And each attachment to the letter identified the amount of each penalty and stated that subsequent penalties would be \$250 per day. CP 342, 344, 346, 348, 350. Thus, Post knew that penalties would continue to accumulate if he failed to comply with the building code. Post generally failed to respond, appeal, or repair his properties. Thus, Post cannot prove that the penalties violated his due process rights.

**b) The City did not violate Post’s substantive due process rights.**

Because another explicit textual source of constitutional protection applies here, the Court should not even address Post’s substantive due process claim. The United States Supreme Court has been very clear: “Where a particular amendment provides an explicit textual source of constitutional protection against a particular sort of government behavior,

that Amendment, not the more generalized notion of substantive due process, must be the guide for analyzing these claims.” Albright v. Oliver, 510 U.S. 266, 273, 127 L. Ed. 2d 114, 114 S. Ct. 807 (1994). This rule applies when the explicit constitutional provision is the Eighth Amendment, (See United States v. Lanier, 520 U.S. 259, 272, 117 S. Ct. 1219, 137 L. Ed. 2d 432 (1997)) which Post raises here.<sup>12</sup>

Even if the Court were to address Post’s substantive due process claim, he will not prevail. The United States Supreme Court holds that “where legislative action is within the scope of the police power, fairly debatable questions as to its reasonableness, wisdom, and propriety are not for and determination of courts, but for that of the legislative body on which rests the duty and responsibility of decision.” Standard Oil Co. v. City of Marysville, 279 U.S. 582, 584, 49 S. Ct. 430, 73 L. Ed. 856 (1929). Furthermore, TMC 2.01 will be upheld as long as it is not “clearly arbitrary and unreasonable, having no substantial relation to public health, safety, morals, and general welfare.” Euclid v. Ambler Realty Co., 272 U.S. 365, 395, 47 S. Ct. 114, 71 L. Ed. 303 (1926). Post has simply failed to prove that the City’s fining process is arbitrary.

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<sup>12</sup> The due process clause in the Fourteenth Amendment “makes the Eighth Amendment’s prohibition against excessive fines and cruel and unusual punishments applicable to the States.” Cooper Indus., Inc. v. Leatherman Tool Group, Inc., 532 U.S. 424, 433, 121 S. Ct. 1678, 149 L. Ed. 2d 674 (2001).

**3. The City did not violate the excessive fines clause.**

The Eighth Amendment excessive fines clause does not prohibit the penalties in this case.<sup>13</sup> That provision provides: “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.” This provision does not bar the penalties because the penalties are remedial and are not intended to punish Post.

**a) The Eighth Amendment does not prohibit the penalties here because they are not punishment.**

The excessive fine clause does not prohibit penalties unless the imposition of penalties is intended to punish, rather than serve a “remedial” purpose. Austin v. United States, 509 U.S. 602, 611, 113 S. Ct. 2801, 125 L.Ed.2d 488 (1993). A “remedial” sanction is one that removes dangerous items from society. United States v. Mackby, 339 F.3d 1013, 1019 (9<sup>th</sup> Cir. 2003).

Here, the City’s code states that the penalties are for “remedial purposes” only. TMC 2.01.064.D.4.b and E.3.b. The building code is intended to protect “the health, safety, and welfare of occupants and that of the general public” by establishing minimum standards for construction,

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<sup>13</sup> The United States Supreme Court appears to assume that the Eighth Amendment excessive fines clause of the United States Constitution applies to civil penalties. See Hudson v. United States, 522 U.S. 93, 103, 118 S. Ct. 488, 493, 139 L. Ed. 2d 450 (1997); but see United States v. Bajakajian, 524 U.S. 321, 356, 118 S. Ct. 2028, 141 L. Ed. 2d 314 (1998) (“Perhaps civil fines may not be subject to scrutiny [under the Eighth Amendment] at all.”) (Kennedy, J. dissenting).

heating, sanitation, security and fire, and encouraging the maintenance and improvement of buildings. TMC 2.01.020. Thus, since the penalties are remedial, the Eighth Amendment does not prohibit the penalties.<sup>14</sup>

**b) The penalties are not excessive.**

Even if the Court were to find that the fines were not remedial, they are not excessive. “The touchstone of the constitutional inquiry under the Excessive Fines Clause is the principle of proportionality: The amount of the forfeiture [or penalties] must bear some relationship to the gravity of the offense that it is designed to punish.” United States v. Bajakajian, 524 U.S. 321, 334, 118 S. Ct. 2028, 141 L. Ed. 2d 314 (1998). A court must consider the harm that the violation caused, or could cause, and compare the amount of the penalties to the gravity of the offense. Only if the amount of the penalties is grossly disproportional to the gravity of the offense, do they violate the excessive fines clause. Id. at 336-37, 339.

Here, the penalties imposed are not excessive compared to the potential harm to the occupants of Post’s properties. Although the City has imposed a large amount of penalties on a few properties, most of the penalties on various properties total less than \$15,000 each. CP 48, 53,

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<sup>14</sup> Post did not present the specific issue of whether the fines are remedial to either the Superior Court or the Court of Appeals. He merely assumed that the penalties were punishment. As a result, the Court should decline to address this issue. See RAP 2.5(a); State v. Canfield, 154 Wn.2d 698, 707 (2005)(holding that appellate courts generally will not consider issues raised for the first time on appeal).

59, 65, 134, 142, 150, 157. One property with only \$3,500 in penalties, for example, had no stairs, broken windows, a structurally unsound foundation, no heat in some rooms, missing smoke detectors, and the bathroom was in complete disrepair and the house was infested with pigeons. CP 319- 328.

These violations are serious and affect the safety of the public and of the occupants of the houses. Many of Post's properties are in such extreme disrepair as to be uninhabitable. CP 233, 327. The penalties imposed represent a measured response to a pattern of dangerous conduct. Because of these violations and the potential significant harm to the occupants, the penalties are not grossly disproportionate to the offenses.

Courts applying the Eighth Amendment to civil penalties almost uniformly find them to be constitutional. See e.g., and United States v. Mackby, 339 F.3d 1013 (9<sup>th</sup> Cir. 2003) (upholding a \$729,454.92 judgment after defendant submitted 8,499 false Medicare claims); Traficanti v. United States, 227 F.3d 170 (4<sup>th</sup> Cir. 2000) (holding that a \$40,000 penalty for food stamp trafficking was not excessive).<sup>15</sup> Courts invalidate penalties under the excessive fines clause in only rare cases.<sup>16</sup>

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<sup>15</sup> See e.g. Balice v. United States Department of Agriculture, 203 F.3d 684, 698-99 (9<sup>th</sup> Cir. 2000) (upholding a \$225,500 civil fine for violations of a federal law dealing with record keeping for almond growers); Vasudeva v. United States, 214 F.3d 1155, 1161-62 (9<sup>th</sup> Cir. 2000) (upholding civil monetary penalties of \$13,200 and \$39,840 for trafficking in food stamps); Cole v. United State Dept. of Agriculture, 144 F.3d 803 (11<sup>th</sup> Cir. 1998) (civil penalty of nearly \$400,000 against a tobacco farmer where the penalty was proportional to a

The violations in this case are serious and they are extreme. Thus, the penalties are not disproportionate, and certainly not “grossly disproportionate,” to the violations. Post’s constitutional argument must fail. Lack of support for his arguments indicates that there is no significant question of constitutional law present in this case.

V. CONCLUSION

In his petition for review, Post does nothing more than reiterate the arguments he made to the Court of Appeals without showing why the Court erred. He has not shown that grounds exist under RAP 13.4(b) for this Court to accept review. Consequently, the Court should deny Post’s petition.

DATED this 15 day of October, 2007.

ELIZABETH PAULI, City Attorney

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DEBRA E. CASPARIAN, WSBA # 26354  
Assistant City Attorney

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legitimate governmental purpose); United States v. Emerson, 107 F.3d 77 (1<sup>st</sup> 1997) (civil penalty of \$185,000 imposed on a pilot for taking unauthorized flights not excessive, even though there was no serious personal injury).

<sup>16</sup> In United States ex rel. Smith v. Gilbert Realty Co., Inc., 840 F.Supp. 71 (E.D. Mich. 1994), the court reduced a civil penalty under the False Claims Act from \$290,000 to \$35,000, where the actual loss was only \$1,630. The Court held that the full penalty, at a ratio of 178 to 1, was excessive, and reduced it to \$35,000—still a ratio of 21 to 1.

**TMC 2.01**

## Chapter 2.01

### MINIMUM BUILDING AND STRUCTURES CODE

#### Sections:

2.01.010	Title.
2.01.020	Purpose.
2.01.030	Scope.
2.01.040	Additions, alterations, and change of use.
2.01.050	Definitions.
2.01.060	Administration and Process.
2.01.070	Minimum building requirements.
2.01.080	Repair standards.
2.01.090	Unoccupied or vacant building standards.
2.01.100	<i>Repealed.</i>

#### 2.01.010 Title.

This Title shall be known as the "Minimum Building and Structures Code," and is referred to herein as "this chapter." (Ord. 26380 § 1; passed Mar. 16, 1999; Ord. 21454 § 1; passed Aug. 29, 1978; Ord. 17842 § 1; passed May 18, 1965; Ord. 15742 §§ 1-13; passed Nov. 13, 1956)

#### 2.01.020 Purpose.

The purpose of this chapter is for the protection of the health, safety, and welfare of occupants and that of the general public by:

- A. Establishing minimum standards for basic equipment and facilities for construction, light, ventilation, heating, sanitation, security, fire, and life safety in structures.
- B. Encouraging the maintenance and improvement of the City's existing buildings, structures, yards, streets, neighborhoods, and other property.
- C. Avoiding the closure or abandonment of buildings and the displacement of occupants.
- D. Encouraging the use of innovative and economical materials and methods of construction while maintaining minimum levels of safety in buildings in the City.
- E. Promoting maintenance of existing property by recognizing differences between new and existing structures as long as an equal level of safety can be achieved.
- F. Providing for administration and enforcement of this chapter. (Ord. 26380 § 1; passed Mar. 16, 1999; Ord. 21454 § 2; passed Aug. 29, 1978; Ord. 16384 § 2;

passed June 29, 1959; Ord. 15742 §§ 1-13; passed Nov. 13, 1956)

#### 2.01.030 Scope.

The provisions of this chapter shall apply to all buildings and the properties on which they are located, including, but not limited to, residential, commercial, and industrial uses. Buildings in existence at the time of the adoption of this chapter may have their existing use or occupancy continued, if such use or occupancy was legal at the time of the adoption of this chapter, provided such use is not changed in intensity from its original purpose and such continued use is not dangerous to the life, health, safety, or welfare of the occupants or the general public. Buildings in which the use is changed to a use of equal or less intensity as set forth in the UCBC may be permitted without full compliance with the Building Code, provided the building complies with this chapter and the UCBC for said use. (Ord. 26715 § 1; passed Oct. 17, 2000; Ord. 26380 § 1; passed Mar. 16, 1999; Ord. 15742 §§ 1-13; passed Nov. 13, 1956)

#### 2.01.040 Additions, alterations, and change of use.

A. General. Buildings and structures to which additions, alterations, or changes of use are made shall comply with the applicable requirements of the Building Code for new facilities, except as specifically provided in this section. See the Building Code for provisions requiring installation of smoke detectors in existing Group R Occupancies.

B. When Allowed. Additions or alterations shall not be made to an existing building or structure which will cause the existing building or structure to be in violation of any of the provisions of the Building Code or this chapter, nor shall such additions or alterations cause the existing building or structure to become unsafe. An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or structure to become structurally unsafe or overloaded; will lessen or render unsafe existing egress systems complying with the requirement for the use in effect at the time the building was constructed, and approved by a certificate of occupancy; or will reduce required fire resistance or will otherwise create conditions dangerous to human life.

Additions or alterations shall not be made to an existing building or structure when such existing building or structure is not in full compliance with the provisions of the Building Code.

EXCEPTIONS:

1. When such addition or alteration will result in the existing building or structure being no more hazardous based on life safety, fire safety, and sanitation, than before such additions or alterations are undertaken, and such addition or alteration is in compliance with the UCBC. (See the Building Code for Group H, Division 6 Occupancies.)

2. Alterations of existing structural elements, or additions of new structural elements, which are not required by this chapter or the Building Code and which are initiated for the purpose of increasing the lateral-force-resisting strength or stiffness of an existing structure need not be designed for forces conforming to the Building Code, provided that an engineering analysis is submitted to show that:

- a. The capacity of existing structural elements required to resist forces is not reduced, and
- b. The lateral loading to required existing structural elements is not increased beyond their capacity, and
- c. New structural elements are detailed and connected to the existing structural elements as required by the Building Code, and
- d. New or relocated non-structural elements are detailed and connected to existing or new structural elements as required by the Building Code, and
- e. An unsafe condition as defined above is not created.

C. Non-structural. Alterations or repairs to an existing building or structure which are non-structural and do not adversely affect any structural member or any part of the building or structure having required fire resistance may be made with the same materials of which the building or structure is constructed.

D. Glass Replacement. The installation or replacement of glass shall be as required for new installations.

E. Restoration of Buildings. Restoration of buildings shall be in accordance with the applicable provisions of the Building Code and this chapter.

F. Buildings Designated as Historic Landmarks or Located in Historically Designated Areas. Buildings or structures which are designated as Historic Landmarks or are located in designated Historic Districts shall require the approval of the City of Tacoma Landmarks Preservation Commission before making additions, repairs, or alterations to the building or structure, or before demolishing the building or structure. (Ord. 26380 § 1; passed Mar. 16, 1999; Ord. 16384 § 3; passed Jun. 29, 1959; Ord. 15742 §§ 1-13; passed Nov. 13, 1956)

2.01.050 Definitions.

For the purpose of this chapter, certain terms, phrases, words, and their derivatives shall be construed as specified in this section. Terms, phrases, and words used in the singular include the plural, and the plural the singular. Terms, phrases, and words used in the masculine gender include the feminine, and feminine the masculine.

Where terms, phrases, and words are not defined herein, their definition shall be taken from the Building Code and, if not defined therein, shall have their ordinary accepted meaning within the context which they are used. *Webster's Third New International Dictionary of the English Language, Unabridged*, copyright 1986, shall be considered as providing ordinary accepted meanings.

"Accessory structure" is any structure which is incidental and subordinate to the main building(s) and is located on the same property as the main building. Accessory structures may be attached to or detached from the main structure. Examples of accessory structures include: garages, carports, sheds, and other similar buildings; decks, awnings, heat pumps, fences, trellises, flag poles, tanks, towers, exterior stairs and walkways, and other exterior structures on the property.

"Accessory use" is a use customarily incidental and subordinate to the main building or principal use and located on the same lot therewith.

"Apartment house" is any building, or portion thereof, which contains three or more dwelling units and, for the purpose of this chapter, includes condominiums.

"Approved" (as to materials and types of construction) refers to approval by the Building Official as the result of investigation and tests conducted by the Building Official, or by reason of accepted principles or tests by recognized authorities, or technical or scientific organizations.

"Basement" is any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement, unless such floor level qualifies as a first story as defined herein.

"Bathroom" is a room used for personal hygiene and which contains a water closet, a lavatory, and either a bathtub or a shower.

"Bathtub" is a container for personal washing, large enough to allow the person to sit partially submerged in water.

"Blight" is a condition of deterioration, dilapidation, decay, or substandard maintenance of buildings,

structures, and/or properties which constitutes a menace to the health, safety, or welfare of the public or which negatively affects the value of surrounding property.

“Blighting conditions” are violations of this chapter, the Building Code, or other City ordinances, which are determined by the Building Official to be detrimental to the health, safety, or welfare of the public.

“Boarding house” is a lodging house in which meals are provided.

“Building” is any structure used or intended for supporting or sheltering any use or occupancy.

“Building, existing” is a building erected prior to the adoption of this chapter, or one for which a legal building permit has been issued.

“Building Code” shall mean the Building Code as adopted and amended by Chapter 2.02 of the Tacoma Municipal Code.

“Building Inspector” is an authorized representative of the Building Official, whose primary function is the inspection of buildings and/or the enforcement of the City ordinances, assigned to the Building and Land Use Services Division for administration and enforcement.

“Building Official” shall mean the Manager of the Building and Land Use Services Division of the Public Works Department of the City of Tacoma, charged with the administration and enforcement of the Building Code, or his or her duly authorized representatives.

“Ceiling height” shall be the clear vertical distance from the finished floor to the finished ceiling.

“Certificate of complaint” is a Findings of Fact and Order, or other document, filed with the Pierce County Auditor, stating the property is in violation of Chapter 2.01 of the Tacoma Municipal Code.

“Congregate residence” is any building, or portion thereof, which contains facilities for living, sleeping, and sanitation, as required by this chapter, and may include facilities for eating and cooking for occupancy by other than a family. A congregate residence may be a shelter, convent, monastery, dormitory, or fraternity or sorority house, but does not include jails, hospitals, nursing homes, hotels, or lodging houses.

“Court” is a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

“Dangerous buildings or structures” means, for the purpose of this chapter, any building or structure having conditions or defects which exist to the extent that the life, health, property, or safety of the public or

its occupants are endangered. Specific conditions which determine whether a building is dangerous are listed in Table E – Dangerous Buildings and Structures, in Section 2.01.060.

“Derelict buildings or structures” means, for the purposes of the chapter, any building or structure where conditions exist which make the building or structure unfit for human occupancy. Specific conditions which determine whether a building or structure is derelict are listed in Table D – Derelict Buildings or Structures, in Section 2.01.060.

“Dormitory” means:

A. A college or university residence hall, including sorority or fraternity buildings; or

B. A room containing three or more beds and serving as communal sleeping quarters.

C. See also congregate residence.

“Dwelling” is any building or portion thereof which contains not more than two dwelling units.

“Dwelling unit” is any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by this chapter, for not more than one family, or a congregate residence for ten or less persons.

“Efficiency dwelling unit” is a dwelling unit containing only one habitable room.

“Enforcement” is the administrative process, within the legal authority of federal, state, and local law, that permits the Building and Land Use Services Division to assure compliance with the provisions of this chapter.

“Exit” is a continuous and unobstructed means of egress to a public way and shall include, but is not limited to, intervening aisles, doors, doorways, gates, corridors, exterior exit balconies, ramps, stairways, pressurized enclosures, horizontal exits, exit passageways, exit courts, and yards.

“Exterior property area” is the open space on the premises and on public property abutting the premises under the control of the owner or on-site manager of such premises.

“Extermination” is the elimination of insects, rodents, vermin, or other pests at or about the affected building.

“Family” is an individual or two or more persons related by blood or marriage, or a group of not more than five persons (excluding household employees) who need not be related by blood or marriage, living together in a dwelling unit.

## Tacoma Municipal Code

"Final order" means any order of the Board of Building Appeals, Hearing Examiner or Hearing Officer, where an appeal is not taken within the time provided by law.

"Fire Chief" is the head of the Fire Department or a duly authorized representative.

"Floor area" is the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

"Grade" (adjacent ground level) is the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building.

"Graffiti" is any unauthorized writing, painting, drawing, inscription, figure, or mark of any type that has been placed upon any property through the use of paint, ink, chalk, dye markers, objects, or any other substance capable of marking property.

"Guest" is any person renting or occupying a room for living or sleeping purposes.

"Guest room" is any room or rooms used, or intended to be used, by a guest for sleeping purposes. Every 100 square feet of superficial floor area in a dormitory is a guest room.

"Habitable space" or "habitable room" is space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space.

"Health Officer" is the Director of the Tacoma-Pierce County Health Department, or his or her duly authorized representatives.

"Hearing Officer" is the Director of the Public Works Department, or a duly authorized representative.

"Hotel" is any building containing six or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied, for sleeping purposes by guests. It does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention home, or other institution in which human beings are housed and detained under legal restraint.

"Improper" shall mean unsuitable, inappropriate, or not up to acceptable minimum standards.

"Infestation" is the presence of insects, rodents, vermin, or other pests to a degree that is harmful to the building or its occupants.

"Inspection" is the examination of property by the Building Official, or his or her duly authorized representative, for the purpose of evaluating its condition as provided by this chapter.

"Interested party" is any person or entity that possesses any legal or equitable interest of record in a property, including, but not limited to, the holder of any lien or encumbrance on the property.

"Kitchen" shall mean a room used, or designed to be used, for the preparation of food.

"Lavatory" is a fixed wash basin connected to hot and cold running water and the building sanitary waste system and used primarily for personal hygiene.

"Licensed care" shall include buildings, structures, or portions thereof, used for the business of providing licensed care to clients in one of the following categories regulated by either the Washington Department of Health or the Department of Social and Health Services:

- A. Adult family home.
- B. Adult residential rehabilitation facility.
- C. Alcoholism - intensive inpatient treatment service.
- D. Alcoholism - detoxification service.
- E. Alcoholism - long-term treatment service.
- F. Alcoholism - recovery house service.
- G. Boarding home.
- H. Group care facility.
- I. Group care facility for severely and multiple handicapped children.
- J. Residential treatment facility for psychiatrically impaired children and youth.

EXCEPTION: Where the care provided at an alcoholism detoxification service is acute care similar to that provided in a hospital, the facility shall be classified as a hospital.

"Local agent" is a person, firm, corporation, or other legal entity:

- A. Whose principal residence and/or property management office, and place of receiving mail, is located either within Pierce County or within a 50-mile radius of the Tacoma Municipal Building;

B. Who is the person, firm, or corporation designated by the owner to receive official mail from the City regarding maintenance of the property and actions taken by the City under this chapter; and

C. Who is authorized by the owner to act on behalf of the owner in such matters.

“Lodging house” is any building or portion thereof containing not more than five guest rooms where rent is paid in money, goods, labor, or otherwise.

“Maintenance” means keeping property in proper condition.

“Motel” (See Hotel).

“Nuisance” is any of the following:

A. Any public nuisance known at common law or as defined by legal court, especially nuisances defined in Chapter 8.30 of the Tacoma Municipal Code.

B. Whatever is dangerous to human life or is detrimental to health.

“Occupancy” is the lawful purpose for which a building, or part of a building, is used or intended to be used.

“Occupant” is any person (including owner or on-site manager) occupying a structure or portion of a structure.

“On-site manager” is any person on site, representing the owner, who has charge, care, or control for the day-to-day operations of a building or portion of a building offered for occupancy.

“Owner” is any person, agent, firm, or corporation having a legal or equitable interest in the property.

“Person” is a natural person, his or her heirs, executors, administrators, or assigns, and also includes a firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

“Plumbing” or “plumbing fixture” is any water heating facilities, water pipes, vent pipes, garbage or disposal units, lavatories, water closets, urinals, bathtubs, shower baths, installed clothes-washing machines or other similar equipment, catch basins, sanitary waste systems, storm sewer systems, vents, or other similarly supplied fixtures, together with all connections to water, gas, sewer, or vent lines.

“Posted” is the placement of official notice that a building or structure is in violation of this chapter. The notice is attached to the building or structure and states “MUST NOT BE OCCUPIED.”

“Recreational vehicle” is a vehicle constructed to be licensed for operation on streets, highways, and waterways. Recreational vehicles are designed to provide accommodations for sleeping, and may have cooking facilities, water closets, sinks, lavatories, showers, and similar plumbing facilities. The four classifications of recreational vehicles are:

A. Motor Home. A self-motorized recreational vehicle.

B. Residential or Travel Trailer. A recreational vehicle designed to be towed by a motorized vehicle, including fifth-wheel trailers.

C. Campers. A recreational unit designed to be installed in and used while in the bed of a truck.

D. Boats on Trailers.

“Resident” is a person who lives or dwells in a residential structure or similar buildings, including, but not limited to, dwelling units, apartments, congregate care homes, licensed care homes, hotels, motels, convalescent homes, and nursing homes.

“Residential property” is any property zoned for exclusive residential use or any property containing a residential structure.

“Residential rental property” is any property within the City containing a dwelling unit for which payment of money, goods and/or services is rented or leased to an individual or group of individuals.

“Residential structure” is any building containing one or more dwelling units, or any accessory structure related to a dwelling unit.

“Restoration” means to return a building or structure to a state of utility through alterations and/or repairs. As applied to historic structures, it includes the preservation of those portions or features that are of historical, architectural, and cultural value.

“Roof” is an exterior element of a building, sloped less than 60 degrees from the horizontal, which provides weather protection to the spaces below.

“Secured” refers to a building which is sealed to unauthorized third-party entry.

“Service room” is any room used for storage, bath, or utility purposes, and not included in the definition of habitable rooms.

“Shaft” is an interior space, enclosed by walls or construction, extending through one or more stories or basements which connects openings in successive floors, or floors and roof, to accommodate elevators, dumbwaiters, mechanical equipment, electrical

## Tacoma Municipal Code

equipment, or similar devices, or to transmit light or ventilation air.

“Shall,” as used in this chapter, is mandatory.

“Sink” is a fixed basin connected to hot and cold running water and a drainage system and primarily used for the preparation of food and the washing of cooking and eating utensils.

“Shower” is a compartment which is designed for the purpose of full personal washing of a person in the standing position.

“Skylight” is a glazed opening in a roof. Skylights can be either fixed or operable.

“Sleeping room” is any room designed, built, or intended to be used for sleeping purposes.

“Smoke detector” is an approved, listed device that senses visible or invisible particles of combustion.

“Story” is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than 6 feet above grade, as defined herein, for more than 50 percent of the total perimeter, or is more than 12 feet above grade, as defined herein, at any point, such usable or unused under-floor space shall be considered as a story.

“Street” is any thoroughfare or public way which has been dedicated or deeded to the public for public use.

“Substandard Property,” for the purpose of this chapter, shall mean a building or property where conditions exist which make the building substandard. Specific conditions which determine whether a building or property are maintained in a substandard manner are listed in Table B – Substandard Property, and/or Table C – Fire and Life Safety Hazards, in Section 2.01.060. A substandard building or property may be occupied when, in the opinion of the Building Official, the conditions are not an immediate threat to the safety of the occupants.

“Swimming pool” is an artificial basin, chamber, or tank constructed of impervious material, having a depth of 18 inches or more, and used or intended to be used for swimming, diving, or recreational bathing.

“Toilet”. See “water closet”.

“Transient occupancy” is the occupancy of a dwelling unit in a hotel where the following conditions are met:

- A. Occupancy is charged on a daily basis and is payable no less frequently than every two weeks;
- B. The operator provides maid and linen service on a regular basis;
- C. The period of occupancy does not exceed 30 days; and
- D. If the occupancy exceeds five days, the occupant has a business address or a residence other than at the hotel.

“UCBC” is the Uniform Code for Building Conservation, as adopted and amended by the City of Tacoma in Chapter 2.02 of the Tacoma Municipal Code.

“Unoccupied” is the condition where a building is not being used at present, but there is the general appearance of an intent to reoccupy the building in the future. Furnishings may or may not have been removed.

“Unsecured” refers to any building or structure in which doors, windows, or apertures are open or broken so as to allow unauthorized third-party entry.

“Vacant” is the condition where a building is not being used at present, and there is a general appearance of abandonment.

“Vermin” is an all inclusive term used to define unwanted, non-human, biological life and shall include, but not be limited to, mice, rats and other rodents, ants, fleas, lice, termites and other insect-like pests, pigeons and other birds, and other biological pests.

“Walls” shall be defined as follows:

- A. “Bearing wall” is any wall meeting either of the following classifications:
  1. Any metal or wood stud wall which supports more than 100 pounds per lineal foot of superimposed load.
  2. Any masonry or concrete wall which supports more than 200 pounds per lineal foot superimposed load, or any such wall supporting its own weight for more than one story.
- B. “Exterior wall” is any wall or element of a wall, or any member or group of members, which defines the exterior boundaries or courts of a building and which has a slope of 60 degrees or greater with the horizontal plane.
- C. “Faced wall” is a wall in which the masonry facing and backing are so bonded as to exert a common action under load.

D. "Nonbearing wall" is any wall that is not a bearing wall.

E. "Parapet wall" is that part of any wall entirely above the roof line.

F. "Retaining wall" is a wall designed to resist the lateral displacement of soil or other materials.

"Water closet" is a flushable plumbing fixture connected to running water and a drainage system and used for the disposal of human waste.

"Water closet compartment" is a room containing only a toilet or only a toilet and lavatory.

"Window" shall mean a glazed opening, including glazed doors, which open upon a yard, court, or a vent shaft open and unobstructed to the sky.

"Window well" is a soil-retaining structure at a window having a sill height lower than the adjacent ground elevation.

"Workmanship" is the quality or mode of execution for building construction normal to the building industry trades.

"Yard" is an open, unoccupied space other than a court, unobstructed from the ground to the sky, except where specifically provided by this chapter, on the lot on which a building is situated. (Ord. 26715 § 2; passed Oct. 17, 2000 Ord. 26380 § 1; passed Mar. 16, 1999: Ord. 24503 § 1; passed Dec. 12, 1989: Ord. 19217 § 1; passed Oct. 13, 1970: Ord. 16384 § 4; passed Jun. 29, 1959: Ord. 15742 §§ 1-13; passed Nov. 13, 1956)

## **2.01.060 Administration and Process.**

### **A. Initial Filing of Complaint.**

An initial enforcement determination shall be undertaken against buildings or properties, whenever:

1. The Building Official, the Public Works Director, the Director of the Tacoma-Pierce County Health Department, the Police Chief, or the 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 Building and Land Use Services Division by any person, provided that where complaints have been filed by tenants, that the tenant first exhaust all remedies provided through the Washington State Landlord Tenant Act. Complaints may be received either verbally or in writing.

### **B. Inspection and Evaluation of Buildings and Property.**

When a complaint has been filed, or there are other reasons pursuant to normal enforcement of the Tacoma Municipal Code, the Building Official shall inspect the building and property. Based on the inspection, the Building Official shall then determine whether the building and/or property is in violation of this chapter and the degree of violation. All properties where an evaluation inspection is performed shall be evaluated against the standards of "Substandard Property" listed in Table B, "Fire and Life Safety Hazards" listed in Table C, "Derelict Buildings or Structures" listed in Table D, and "Dangerous Buildings or Structures" listed in Table E. Substandard Properties shall be assigned violation points, in accordance with Table B and Table C, and the provisions of Subsection C, Violation Tables. In addition, violations listed in Table C, "Fire and Life Safety Hazards," shall be referred to the Building Official, the Fire Chief, and/or the Electrical Inspection Manager, as appropriate, for evaluation as to whether immediate action is necessary. The standards against which properties shall be evaluated are set forth in Section 2.01.070, Minimum Building Requirements.

### **C. Violation Tables.**

During the evaluation inspection, and any subsequent inspections of the building and property, the Building Official shall note each violation and evaluate the property in accordance with Table B, Table C, Table D, and Table E. Once all violations are listed, and if it is determined that the property is substandard, the points, as listed in Table B and Table C, for each violation listed against the property, shall be totaled to determine the degree of violation. The course or action shall be in accordance with Table A.

Where a building or structure contains violations listed in Table D, Derelict Buildings or Structures, the building or structure shall be declared a Derelict Building or Structure and processed according to the procedures set forth in Subsection E, Derelict Buildings or Structures Procedures.

Where a building or structure contains violations listed in Table E, Dangerous Buildings or Structures, that building or structure shall be declared a Dangerous Building or Structure and processed according to the procedures set forth in Subsection F, Dangerous Buildings or Structures Procedures.

Groups of buildings on the same property may be processed under a single complaint process.

## Tacoma Municipal Code

### D. Substandard Property Procedures.

1. General. Where all violations are unrelated to the buildings and structures on the property, the complaint against the property shall be processed under the applicable provisions of the Tacoma Municipal Code.

2. Standard Property. Property which has been inspected and evaluated, and which received 24 or less violation points, shall be considered standard property and in compliance with this chapter, and no action shall be taken. The complaint shall be closed and all accumulated documentation filed.

3. Non-Standard Property Warning. The owner of property which, by an external inspection, is evaluated as being maintained in a substandard condition and receives 25 to 49 violation points, shall be considered non-standard property and sent a letter describing the substandard conditions and the appropriate actions for mitigating these conditions. The owner shall be advised, in writing, that the property is in a declining state, and that if conditions worsen, more formal mitigating actions will be undertaken. Once the advisory letter is sent, the complaint shall be closed and all accumulated documentation filed. The property shall be reinspected one year from the date of the letter and the property shall be reevaluated to determine whether additional enforcement procedures need to be taken.

#### 4. Substandard Property Notification and Penalties.

a. When any property has been evaluated, by inspection, as being "Substandard Property" and receives 50 or more violation points, the owner shall be notified by letter, sent by both first-class mail and by certified mail, return receipt requested, describing the violations and the appropriate actions for mitigating these violations. The owner shall be given 30 calendar days from the receipt of the letter to respond to the letter, and to negotiate a schedule with the Building and Land Use Services Division for correcting the violations to the satisfaction of the Building Official.

b. In the event a valid response is not received in the allotted time, a civil penalty or penalties, in accordance with the first penalty assessment in Table F, shall be assessed. These penalties are intended to be only for remedial purposes. A new letter, stating the assessment of penalties, shall be sent in accordance with the procedures set forth above. The owner shall be given 30 calendar days from the receipt of the second letter to respond to the letter, and to negotiate a schedule with the Building and Land Use Services Division for correcting the violations to the satisfaction of the Building Official.

c. In the event a valid response is not received in the allotted time, an additional civil penalty or penalties, in accordance with the second penalty assessment in Table F, shall be assessed. A new letter, stating the additional assessments of penalties, shall be sent in accordance with the procedures set forth above. The owner shall be given 14 calendar days from the receipt of the third letter to respond to the letter, and to negotiate a schedule with the Building and Land Use Services Division for correcting the violations to the satisfaction of the Building Official.

d. In the event a valid response is not received in the allotted time, an additional civil penalty or penalties, in accordance with the third penalty assessment in Table F, shall be assessed. A new letter, stating the additional assessments of penalties, shall be sent in accordance with the procedures set forth above. The owner shall be given 7 calendar days from the receipt of the fourth letter to respond to the letter, and to negotiate a schedule with the Building and Land Use Services Division for correcting the violations to the satisfaction of the Building Official.

e. In the event a valid response is not received in the allotted time or the agreed-upon schedule has been violated, an additional civil penalty or penalties, in accordance with the Fourth Penalty and Subsequent Assessments in Table F, shall be assessed. A new letter, stating the additional assessments of penalties, shall be sent in accordance with the procedures set forth above. The owner may be assessed a civil penalty every calendar day commencing with the fifth civil penalty issued for failure to respond to the letters, and to negotiate a schedule with the Building and Land Use Services Division for correcting the violations to the satisfaction of the Building Official.

f. The process described in Subsection (e) above shall be repeated on a regular schedule and may be assessed every calendar day until such time as there is a valid response, each time assessing penalties in accordance with the Fourth Penalty and Subsequent Assessments in Table F. In the event that no response is received, and penalties have accumulated in excess of \$1,000.00, the City shall 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, and all tenants, if different from the owner.

g. Penalties shall be billed to the owner. Penalties unpaid after 60 calendar days shall be referred to a collection agency, approved by the City of Tacoma, for collection.

5. Reinspection and Penalties. Once a valid response is received and a schedule is set, the property shall be reinspected in accordance with the agreed-upon schedule, or every 90 calendar days, 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, penalties shall be assigned, in accordance with Table F, based on the number of previous penalties that have been assessed while waiting for a valid response. At each inspection of the property, the number of violations shall be reassessed and the status of the action shall either remain in the present category or shifted to either the Derelict or Dangerous Buildings or Structures categories based on whether any of the violations are listed in Table D, Derelict Buildings or Structures, or Table E, Dangerous Buildings or Structures. Once an enforcement action is undertaken, it shall be continued until all outstanding violations have been corrected.

Once the building, structure, and property violations have been corrected, the case shall be closed and, if appropriate, a final report relative to the action placed in the City's files, and any Certificates of Complaint filed with the Pierce County Auditor against the title of the property, shall be removed by the City on payment of any assessed penalties and any costs incurred by the City for securing the property.

#### 6. Review by the Building Official.

a. General. A person, firm, or corporation to whom a Notice of Violation for a Substandard Building(s), or a civil penalty, pursuant thereof, may request an administrative review of the Notice of Violation for a Substandard Building(s) or for the first civil penalty assessed pursuant to enforcement.

b. How to Request Administrative Review. A person, firm, or corporation may request an administrative review by the Building Official of the Notice of Violation for a Substandard Building(s) or the first civil penalty assessed, by filing a written request with the Building and Land Use Services Division of the Department of Public Works within 30 calendar days of the first notification date of violations or the notification date of the first assessed penalty. The request shall state in writing the reasons the Building Official should review the Notice of Violation or the issuance of the civil penalty. Failure to state the basis for the review in writing shall be cause for dismissal of the review. Upon receipt of the request for administrative review, the Building Official shall review the information provided.

c. Decision of Building Official. After considering all of the information provided, including information from the code enforcement officer and the City Attorney, or his/her designee, the Building Official shall determine whether a violation has occurred, and shall affirm, vacate, suspend, or modify the Notice of Violation for the Substandard 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 and by certified mail, return receipt requested.

7. Appeals to the Hearing Examiner. Appeals of the Decision resulting from the Building Official's Review shall be made to the Hearing Examiner within 30 calendar days of the receipt of the Building Official's Decision. The Hearing Examiner, upon receipt of a properly filed appeal, shall set a hearing date, and the appellant shall be notified of the hearing date by first-class mail and by certified mail, return receipt requested. Proceedings in regard to appeals filed under this section shall be conducted in accordance with the requirements of Tacoma Municipal Code 1.23 and Office of the Hearing Examiner Rules of Procedure for Hearings. The Hearing Examiner shall issue Findings of Fact and Order, based on the hearing, in writing, delivered to the appellant by first-class mail and by certified mail, return receipt requested.

#### E. Derelict Buildings or Structures Procedures.

1. General. This section shall apply to all buildings, structures, and properties, residential or commercial, which have been evaluated as being Derelict Buildings or Structures, in that the building or structure contains one or more violations listed in Table D, Derelict Buildings or Structures. By definition, Derelict Buildings or Structures are unfit for human occupancy.

2. Posting and Placement of Utility Restraint. Derelict Buildings or Structures shall be posted "MUST NOT BE OCCUPIED." See Subsection G, Posting of Buildings. Simultaneously, utility restraints shall be placed on such buildings or structures. See Subsection H, Utility Restraints.

Buildings, which are posted, shall not be occupied for any purpose until repaired to eliminate the violations listed in the Notice of Violation, to the satisfaction of the Building Official. In addition, the building shall only be authorized to be entered for preparing a time schedule and a repair plan to be submitted to the Building and Land Use Services Division for approval. Upon approval of the time schedule and repair plan, the owner or his/her representatives will be authorized to enter the building to effect repairs. No other entry or occupancy of the building shall be permitted until the

## Tacoma Municipal Code

repairs are completed and approved by the Building Official.

### 3. Owner Notification and Penalties.

a. The owner shall be notified that the building, structure, or property has been found to be in violation of this chapter and is Derelict. The owner shall be given 10 calendar days from the receipt of the notice to secure the building, in accordance with Section 2.01.090, Unoccupied or Vacant Building Standards. The notice shall include the standards for securing an unoccupied or vacant building. The owner shall be given 30 calendar days from the receipt of the notice to respond to the Building Official to negotiate a plan of action. In addition, such notification will state that either an Eminent Domain Condemnation proceedings or a Dangerous Building proceedings may be initiated if there is not a workable plan and schedule submitted or substantial improvement of the property does not occur in substantial compliance with the agreed upon plan and schedule. Such proceedings may result in the loss of the building(s) and property or the demolition of the building(s).

b. In the event a valid response is not received in the allotted time, a civil penalty or penalties, in accordance with the first penalty assessment in Table F, shall be assessed. These penalties are intended to be only for remedial purposes. A new letter, stating the assessment of penalties, shall be sent in accordance with the procedures set forth above. The owner shall be given 30 calendar days from the receipt of the second letter to respond to the letter, and to negotiate a schedule with the Building and Land Use Services Division for correcting the violations to the satisfaction of the Building Official.

c. In the event a valid response is not received in the allotted time, an additional civil penalty or penalties, in accordance with the second penalty assessment in Table F, shall be assessed. A new letter, stating the additional assessments of penalties, shall be sent, in accordance with the procedures set forth above. The owner shall be given 14 calendar days from the receipt of the third letter to respond to the letter, and to negotiate a schedule with the Building and Land Use Services Division for correcting the violations to the satisfaction of the Building Official.

d. In the event a valid response is not received in the allotted time, an additional civil penalty or penalties, in accordance with the third penalty assessment in Table F, shall be assessed. A new letter, stating the additional assessments of penalties, shall be sent in accordance with the procedures set forth above. The owner shall be given 7 calendar days from the receipt

of the fourth letter to respond to the letter, and to negotiate a schedule with the Building and Land Use Services Division for correcting the violations to the satisfaction of the Building Official.

e. In the event a valid response is not received in the allotted time or the agreed-upon schedule has been violated, an additional civil penalty or penalties, in accordance with the Fourth Penalty and Subsequent Assessments in Table F, shall be assessed. A new letter, stating the additional assessments of penalties, shall be sent in accordance with the procedures set forth above. The owner may be assessed a civil penalty every calendar day, commencing with the fifth civil penalty issued for failure to respond to the letters, and to negotiate a schedule with the Building and Land Use Services Division for correcting the violations to the satisfaction of the Building Official.

f. The process described in Subsection (e) above shall be repeated on a regular schedule and may be assessed every calendar day until such time as there is a valid response, each time assessing penalties in accordance with the Fourth Penalty and Subsequent Assessments in Table F. In the event that no response is received and penalties have accumulated in excess of \$1,000.00, the City shall 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 and all tenants, if different from the owner.

g. Penalties shall be billed to the owner. Penalties unpaid after 60 calendar days shall be referred to a collection agency, approved by the City of Tacoma, for collection.

4. Response to Notification. The response to the City shall be the development of a written schedule for repairing the building, jointly agreed upon by the owner and the City. The schedule shall include:

a. Time for developing and submitting acceptable construction plans, specifications, and calculations for the repair of the building or structure, in accordance with the provisions of Subsection 7, Buildings Declared Derelict.

b. Time for actually repairing the building or structure once a building permit has been issued. Such time line may include intermediate progress goals, as appropriate.

Once an acceptable schedule has been determined and agreed to, construction plans, specifications, and calculations for the repair of the building or structure shall be developed and submitted to the City for approval with the time limits set by the schedule. Once

the plans and specifications have been approved for permit, the permit shall be obtained within 14 calendar days of notification that the permit is ready. The work authorized by the permit shall proceed according to a schedule jointly agreed upon by the owner and the City, verified by inspection. Such schedule shall comply with the Building Code provisions governing the expiration of permits.

#### EXCEPTIONS:

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

2. The Building Official may grant extensions to the time schedule for sufficient reasons on written request. Such requests must be filed with the Building Official prior to the deadlines set for the completion of the construction.

If, in the event, after the initial contact, any of the following occur:

a. the owner and the City cannot agree upon a schedule, or

b. the owner does not submit plans and specifications for approval, according to the schedule, for the repair of the building, or

c. the owner fails to obtain the permits in a timely manner when they are ready to be issued, or

d. the owner fails to start repairs, or

e. the owner, once having started repairs, fails to meet intermediate progress goals, the Building and Land Use Services Division shall notify the owner of non-compliance, by first-class mail and by certified mail, return receipt requested, and assess penalties in accordance with Table F. This procedure shall be repeated in accordance with Subsection 3 above (Owner Notification and Penalties) until progress, satisfactory to the Building Official, is made. In the event that the owner does not respond to the notices and penalties have accumulated in excess of \$1,000.00, the City shall 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 and all tenants, if different from the owner.

At each inspection of the property, the violations shall be reassessed and the status of the action shall either remain in the present category or shifted to the Dangerous Building category of enforcement if violations listed in Table E, Dangerous Buildings or Structures, are present. Once an enforcement action is

undertaken, it shall be continued until all outstanding violations have been corrected.

Once the building, structure, and property violations have been corrected to the satisfaction of the Building Official, the case shall be closed and, if appropriate, a final report relative to the action placed in the City's files, and any Certificates of Complaint filed with the Pierce County Auditor against the title of the property shall be removed by the City on payment of any assessed penalties and any costs incurred by the City for securing the property.

#### 5. Reviews by the Building Official.

a. General. A person, firm, or corporation to whom a Notice of Violation for a Derelict Building(s), or a civil penalty, pursuant thereof, may request an administrative review of the Notice of Violation for a Derelict Building(s) or for the first civil penalty assessed pursuant to enforcement.

b. How to Request Administrative Review. A person, firm, or corporation may request an administrative review by the Building Official of the Notice of Violation for a Derelict Building(s) or the first civil penalty assessed, by filing a written request with the Building and Land Use Services Division of the Department of Public Works within 30 calendar days of the first notification date of violations or the notification date of the first assessed penalty. The request shall state in writing the reasons the Building Official should review the Notice of Violation or the issuance of the civil penalty. Failure to state the basis for the review in writing shall be cause for dismissal of the review. Upon receipt of the request for administrative review, the Building Official shall review the information provided.

c. Decision of Building Official. After considering all of the information provided, including information from the code enforcement officer and the City Attorney, or his/her designee, the Building Official shall determine whether a violation has occurred, and shall affirm, vacate, suspend, or modify the Notice of Violation for the 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 and by certified mail, return receipt requested.

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

Appeals of the Decision resulting from the Building Official's Review shall be made to the Hearing Examiner within 30 calendar days of the receipt of the Building Official's Decision. The Hearing Examiner,

## Tacoma Municipal Code

upon receipt of a properly filed appeal, shall set a hearing date, and the appellant shall be notified of the hearing date by first-class mail and by certified mail, return receipt requested. Proceedings in regard to appeals filed under this section shall be conducted in accordance with the requirements of Tacoma Municipal Code 1.23 and Office of the Hearing Examiner Rules of Procedure for Hearings. The Hearing Examiner shall issue Findings of Fact and Order, based on the hearing, in writing, delivered to the appellant by first-class mail and by certified mail, return receipt requested.

7. Buildings Declared Derelict. When a building or structure, or any aspect of a building or structure, is Derelict and Substandard by the definitions set forth in Section 2.01.050, Table B, Table C, and Table D of this chapter, those aspects which were declared Derelict and Substandard shall be repaired to the minimum building requirements set forth in Section 2.01.070, and the minimum standards of repair set forth in Section 2.01.080 of this chapter, as directed by the Building Official.

8. Alternate Procedures. 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 of the two following procedures to mitigate the Derelict Status of the Building:

a. Procure the Property through Eminent Domain: Where the property undergoing the Derelict Building Procedure is of sufficient value to be repairable, the Building Official may obtain the property through eminent domain, pursuant to the provisions of the Revised Code of Washington (RCW) 35.80A.

b. Start Dangerous Building Proceedings: Where the property undergoing the Derelict Building Procedure is in a state where it is more economical to demolish the building(s) on the property, the Building Official may initiate Dangerous Building Proceedings pursuant to Tacoma Municipal Code 2.01.060.F and Table E of this chapter.

### F. Dangerous Buildings or Structures Procedures.

1. General. This section shall apply to all buildings, structures, and properties, residential or commercial, which have been evaluated as being Dangerous Buildings and Structures in that the building or structure contains one or more violations listed in Table E, Dangerous Buildings or Structures. Dangerous Buildings or Structures, by definition, are unfit for human occupancy, are potentially dangerous to life and limb, and/or are in a condition where it is unfeasible to repair.

2. Posting and Placement of Utility Restraint. Dangerous buildings or structures shall be posted "MUST NOT BE OCCUPIED." See Subsection G, Posting of Buildings. Simultaneously, utility restraints shall be placed on such buildings or structures. See Subsection H, Utility Restraints.

Buildings, which are posted, shall not be occupied for any purpose until repaired to eliminate the violations listed in the Notice of Violation, to the satisfaction of the Building Official. In addition, the building shall only be authorized to be entered for preparing a time schedule and a repair plan to be submitted to the Building and Land Use Services Division for approval. Upon approval of the time schedule and repair plan, the owner or his/her representatives will be authorized to enter the building to effect repairs. No other entry or occupancy of the building shall be permitted until the repairs are completed and approved by the Building Official.

3. 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 dangerous. The owner shall be given 10 calendar days from the receipt of the notice to secure the building, in accordance with Section 2.01.090, Unoccupied or Vacant Building Standards. The notice shall include the standards for securing a vacant building. The owner shall be given 30 calendar days from the receipt of the notice to respond to the Building Official to negotiate a plan of action.

EXCEPTION: 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, and the cost assessed to the owner in accordance with the provisions of RCW 35.80.030(h).

The response to the City shall be a written plan for repairing or demolishing the building. The written response shall include a schedule, jointly agreed upon by the owner and the City, for the repair or demolition of the building or structure. The schedule shall include:

a. Time for developing and submitting acceptable construction plans, specifications, and calculations 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. Such time line may include intermediate progress goals, as appropriate.

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 14 calendar days of notification that the permit is ready. The work authorized by the permit shall proceed according to the schedule jointly agreed upon by the owner and the City. Such schedule shall comply with the Building Code provisions governing the expiration of permits.

**EXCEPTIONS:**

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

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

In event of any of the following, the City shall prepare a Dangerous Building Complaint against the building and property, in accordance with Subsection 4, Contents of Dangerous Building Complaints, and schedule a hearing in accordance with Subsection 5, Hearing Procedures:

- a. There is no response from the owner to the notification.
- b. The response to the notification by the owner is negative.
- c. An agreement cannot be reached in respect to the extent of the repairs of the building or the time schedule for the repair or demolition of the building.
- d. The owner defaults on the time schedule for obtaining the necessary permits and beginning construction or demolition.
- e. The owner, once having started construction or demolition, does not substantially adhere to the agreed-upon schedule, or abandons the construction or demolition.

Once the building, structure, and property violations have been corrected to the satisfaction of the Building Official, the case shall be closed and, if appropriate, a final report relative to the action placed in the City's files, and any Certificates of Complaint, Dangerous Building Complaints, or Findings of Fact and Order filed with the Pierce County Auditor against the title of the property shall be removed by the City on payment of any assessed penalties and any costs incurred by the City for securing the property.

4. Contents of Dangerous Building Complaints. The complaint issued by the Building Official must be in writing and shall be sent by first-class mail and by

certified mail, return receipt requested, to all persons having any interest in and to the property, as shown by the records of the Pierce County Auditor, of any building or structure found by the Building Official to be a Dangerous Building within the definition set forth in Section 2.01.050, and Table E, Dangerous Buildings or Structures; provided, that if the whereabouts of any of such persons is unknown and the same cannot be ascertained by the Building Official in the exercise of reasonable diligence, 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 such 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. The complaint shall contain, among other things, the following information:

- a. Name of owner or other interested persons, as provided herein above.
- b. Street address and legal description of the property on which said building is located.
- c. General description of type of building, wall, or structure deemed unsafe or substandard.
- d. A complete itemized statement or list of particulars which caused the building, wall, or structure to be a Dangerous Building, as defined in Section 2.01.050, and Table E, Dangerous Buildings or Structures.
- e. Whether or not said building should be vacated by its occupants, and the date of such vacation.
- f. Whether or not the statement or list of particulars, as provided for in Subsection 4.d above, can be removed or repaired.
- g. Whether or not the building constitutes a fire menace.
- h. Whether it is reasonable to repair the building or whether the building should be demolished.
- i. If the building is on the Historic Landmark Registry or is in a Historic District, the complaint shall provide the procedural requirements of the Landmark Preservation Commission for repair or demolition.
- j. A notice that a hearing shall be held before the Hearing Officer in the City Council Chambers in the Tacoma Municipal Building, not less than 10 days nor

## Tacoma Municipal Code

more than 30 days after the serving of such complaint on all interested parties, as recorded by the Pierce County Auditor, and posting, and 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.

k. 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 legal notices provided by law. The filing of a complaint is the same as filing a Certificate of Complaint.

### 5. Hearing Procedures.

a. The Hearing Officer shall convene the hearing at the time specified in the Dangerous Building complaint. The City shall present its case through the City Attorney, or his/her assistant, who shall be authorized to call witnesses and conduct cross-examinations. The building or property owner, or his/her legal representative, shall present his/her case and is authorized to present witnesses and conduct cross-examinations. The agenda for the hearing shall essentially be according to the following:

1. Hearing Officer calls the hearing to order.
  2. Introductions of the Hearing Officer, plaintiffs, defendants, and other parties of interest.
  3. City Attorney presents the City's case.
  4. Defendant presents his/her case.
  5. City provides rebuttal.
  6. Defendant provides rebuttal.
  7. Hearing Officer presents final comments and adjourns hearing.
- b. The Hearing Officer shall issue a Findings of Fact and Order. The Findings of Fact and Order shall contain the following:
1. Name of owner or other interested parties, as listed by the Pierce County Auditor.
  2. Street address and legal description of the property on which the building is located.
  3. General description of type of building, wall, or structure deemed dangerous or substandard.
  4. A complete itemized statement or list of particulars which caused the building, wall, or structure to be a Dangerous Building, as defined in Section 2.01.050 and Table E, Dangerous Buildings or Structures.
  5. Whether or not the building is vacant, and the date of such vacation, if known.

6. Whether or not the statement or list of particulars, as provided for in paragraph 4.d above, can be removed or repaired.

7. Whether or not the building constitutes a fire menace.

8. Whether it is reasonable to repair the building or structure or whether the building or structure should be demolished.

9. Whether the building is on the Historic Register or within a Historically Designated Area, and the procedures required by the Historic Preservation Commission.

The Order shall provide specific instructions on whether the building or structure is to be demolished or repaired, and a time frame for doing so. In the event the building is on the Historic Register or is within a Historically Designated Area, the time schedule shall as much as possible take into account Landmark Preservation Commission procedures. In the event the building is to be repaired, specific direction shall be provided as to the extent of repairs necessary to remove the violations listed against the building or structure. In addition, a building, structure, or property that is declared dangerous shall comply with the requirements set forth in Subsection 8, Buildings Declared Dangerous.

6. 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 Officer 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 of receipt of the Findings of Fact and Order.

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.

In the event that an appeal is filed to the Board of Building Appeals, a hearing shall be scheduled and all interested parties shall be notified by first-class mail and by certified mail, return receipt requested. The Board of Building Appeals shall hold the hearing no sooner than 10 calendar days from the date of the filing of the appeal in accordance with the rules established by Chapter 2.17 of the Tacoma Municipal Code, and shall follow the same agenda used for the hearing held by the Hearing Officer.

The Board of Building Appeals shall make a recommendation based on the hearing within

50 calendar days of the filing of the appeal to the Hearing Officer, who shall issue a new Findings of Fact and Order based on the Board of Building Appeals recommendation, and shall so notify the appellant using the same procedure for notification as used for the original Findings of Fact and Order, within 60 calendar days of the filing of the appeal.

7. Appeals of Findings of Fact and Order Based on Recommendation of Board of Building Appeals. The new Findings of Fact and Order shall state that an appeal of the Findings of Fact and Order issued by the Hearings Officer, based on the recommendation of the Board of Building Appeals, shall be made directly to Pierce County Superior Court within 30 calendar days of the date of the Findings of Fact and Order. Such appeal shall be de novo.

8. Buildings Declared Dangerous. When it is determined in a hearing, convened in accordance with the provisions of Subsection 5 above, Hearing Procedures, that a building or structure, or any aspect of a building or structure, is dangerous by the definition set forth in Section 2.01.050 and Table E, Dangerous Buildings or Structures, of this chapter, such building or structure shall be:

a. Demolished, or

b. Those aspects which were declared dangerous in the hearing shall be repaired to the minimum building requirements set forth in Section 2.01.070 of this chapter, as directed by the Hearing Officer, and the following items shall be complied with whether or not they are addressed in the Dangerous 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, automatic fire sprinkler systems shall be installed.

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

requirements of the Building Code and the Fire Code, as adopted by the City of Tacoma.

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 Uniform Code for Building Conservation, as adopted and amended in the Building Code in Chapter 2.02 of the Tacoma Municipal Code.

6. The building shall be brought into compliance with provisions of the Washington State Barrier Free Code for new construction.

7. The building shall be brought into compliance with the Washington State Energy Code.

EXCEPTION: Exterior stud frame walls need only be provided with insulation which can be accommodated by the stud depth of the wall.

If the Hearing Officer declares a building dangerous, he/she shall make a recommendation on whether the building should be demolished or repaired. The recommendation 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 dangerous building action. If the cost of repairs exceeds 50 percent of the assessed value of the building, the Hearing Officer shall recommend that the building be demolished.

G. 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 identify the location of the building by street address, the date on which the building was posted, the signatures of the Building Official and the inspector who posted the notice onto the building, and a telephone number and street address where the inspector can be contacted. The notice shall also state the violation and penalties for removal of the notice from the building.

The notice posted on the building shall state that the building "MUST NOT BE OCCUPIED" and shall be affixed to all doors, if accessible, or a minimum of being posted on the main door facing the address street. The "MUST NOT BE OCCUPIED" portion of the notice shall be of letters of sufficient size to be read from the public way.

## Tacoma Municipal Code

### H. Utility Restraints.

When a building is determined as being in violation of this chapter and is unfit for human occupancy, a utility restraint may be placed against the property by the Building Official, restraining the utility providers from providing utilities to the building. Dangerous buildings or structures and derelict buildings or structures, which are not occupiable and are posted "MUST NOT BE OCCUPIED," shall have utility restraints placed on them. 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 written 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, at the discretion of the Building Official.

### I. Emergency Cases.

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, the Building Official shall cause the immediate vacation of the building, in whole or in part, as is necessary, to mitigate the danger to life. The Building Official shall also order the barricading of public sidewalks, streets, or alleys as necessary to protect the public, and shall secure the building from unauthorized entry, and cause the immediate bracing or repair of the building as necessary to protect the public, or, if that is not possible, to have the building or structure demolished. The costs of such emergency vacation, bracing, repair, or demolition of such building or structure shall be assessed to the owner in accordance with the provisions of RCW-35.80.030(h).

### J. 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.

### K. Duties of the City Attorney.

The City Attorney, or his or her assistant, shall:

1. Prosecute all persons failing to comply with the terms of the notices provided for and/or the order provided for in Section 2.01.060.
2. Represent the City of Tacoma at hearings before the Hearing Examiner in regard to appeals filed relative to decisions issued by the Building Official pertaining to Substandard Buildings.
3. Represent the City of Tacoma at hearings before the Hearing Examiner in regard to appeals filed to the Finding of Fact and Order issued by the Building Official pertaining to Derelict Buildings.
4. Represent the City of Tacoma at hearings before the Board of Building Appeals in regard to appeals filed to the Finding of Fact and Order issued by the Building Official pertaining to Dangerous Buildings.
5. Represent the City of Tacoma at hearings before superior court in regard to appeals filed to the Finding of Fact and Order issued by the Hearing Examiner pertaining to Substandard Buildings.
6. Represent the City of Tacoma at hearings before superior court in regard to appeals filed to the Finding of Fact and Order issued by the Hearing Examiner pertaining to Derelict Buildings.
7. Represent the City of Tacoma at hearings before superior court in regard to appeals filed to the Finding of Fact and Order issued by the Building Official, based on the recommendation of the Board of Building Appeals pertaining to Dangerous Buildings.
8. Bring suit to collect costs incurred by the City of Tacoma in repairing or causing to be vacated or demolished the Dangerous Buildings.

### L. 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:

TABLE A  
POINT LIMITS

Number of Points	Abatement Category/Process
24 or Less	No Violations
25 to 49	Advisory Letter with No Penalty
50 or More	Formal Notification of Infractions and Pending Penalties

TABLE B  
SUBSTANDARD PROPERTY

## EXTERIOR PROPERTY VIOLATIONS

Item No.	Violation	Maximum Points
1	Unightly 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 (In Yards) Need Repair or Replacement	15
7	Exterior Stairways (In Yards) Need Handrails/Guardrails	10
8	Exterior Sidewalks, broken, buckled, or deteriorated	15
9	Retaining Wall Needs Repairing or Replacing	10
10	Broken or Plugged Sewer	25

## EXTERIOR BUILDING VIOLATIONS

Item No.	Violation	Maximum Points
11	Accessory Structure Needs to be Repaired or Demolished	25
12	Accessory Structures Need Painting	5
13	Chimney(s) Needs to be Repaired or Removed	15
14	Roofing Needs Repair	10
15	Roofing Needs Replacing	15
16	Gutters Need to be Repaired or Replaced	5
17	Exterior Walls Need to be Repaired	15
18	Exterior Walls Need Siding Repaired	10
19	Foundations Need Repair	10
20	Foundations Need Replacing	15
21	Porch, Deck, or Balcony Needs to be Repaired, Replaced or Removed	15
22	Porch, Deck, or Balcony Needs Guardrail	15
23	Porch, Deck, or Balcony Needs Guardrail Repaired/Replaced	10
24	Overhangs or Cornices Need Repairing or Replacing	15
25	Window Glass Needs Replacement	10
26	Window Frames Need Repair or Replacement	15
27	Exterior Doors and/or Door Framework Needs to be Repaired or Replaced	10
28	Peeling or absence of paint or weather protection on exterior walls, decks, stairs, porches, and other exterior surfaces	5
29	Improper Use of Recreational Vehicles	50
30	Improper placement or use of cargo containers	50
31	Use of Semi-Trailers for storage	50

## INTERIOR VIOLATIONS

Item No.	Violation	Maximum Points
32	Inadequate Number of Electrical Convenience Outlets	10
33	Electrical Convenience Outlets or Switches do not have Device Plates	5
34	Improper water closets, lavatories, bathtubs, showers, or other plumbing fixtures	15
35	Insufficient number of water closets, lavatories, bathtubs, showers or other plumbing fixtures as required by the size or occupant load of the occupancy	10
36	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
37	Substandard Kitchen	15
38	Substandard Laundry	15
39	Plumbing piping or fixtures of non-approved materials	10
40	Leaking Plumbing Piping (Supply and/or Waste)	15
41	Sagging or Improperly Supported Piping	5
42	Clogged or Inoperative Plumbing Piping	15
43	Appliances, including solid-fuel-burning appliances, which have been installed without proper clearances to combustible materials	25
44	Unlisted appliances which have been illegally installed	25
45	Improper Gas Piping	15
46	Missing Temperature/Pressure Relief Valve on Water Heater	25
47	Inadequate or deteriorated heating or mechanical equipment	25
48	Inadequate Supply of Combustion Air for Fuel Fired Equipment	15
49	Window Locks Missing or Inoperative	15
50	Door Locks Missing, Inoperative, or Illegal	15
51	Interior Doors Need Repair	5
52	Weather Stripping of Doors and/or Windows Missing or Needs Repair	5
53	Deteriorated brick, concrete, or stone masonry, or detached veneer	15
54	Deteriorated wood building materials due to inadequate wood to earth clearance	10
55	Deteriorated or crumbling plaster or gypsum board	10
56	Flaking, scaling, or peeling of wallpaper, paint, or other interior wall coverings	10
57	Infestations of Vermin (See Definitions)	25
58	No Windows or Inadequate Window Area to Provide Natural Light	15
59	Inadequate or no ventilation (either natural or mechanical ventilation)	15
60	Room and space dimensions less than required by this chapter	15
61	Dampness, mold and/or mildew within the building	10
62	Lack of or inadequate garbage and rubbish storage and disposal	10
63	Exit Signs are not Provided With Two Sources of Power	25
64	Exit Path Lighting is not Provided With Two Sources of Power	25
65	Exit Stairs have Incorrect Rise and Run	25
66	Access to Electrical Panels is Inadequate	15
67	Floor Surfacing Needs Repair	25

68	Floor Framing Needs Repair	25
69	Wall Surfacing Needs Repair	15
70	Wall Framing Needs Repair	15
71	Ceiling Surfacing Needs Repair	15
72	Ceiling and/or Roof Framing Needs Repair	15
73	<b>Overcrowding:</b> 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

## UNOCCUPIED OR VACANT BUILDING STANDARDS VIOLATIONS

Item No.	Violation	Maximum Points
74	Exterior Openings are not properly secured in accordance with Section 2.01.090	50
75	Weather protection is not adequate to prevent deterioration of the building	50
76	There is debris within the building or on the premises, which creates a fire-hazard or a nuisance	50
77	Fire alarms or Fire Sprinkler Systems are inoperable	50
78	Adequate heat is not provided to protect the sprinkler system from freezing	50
79	Sewer lines are not capped	50
80	The owner does not inspect the property and keep the property from looking uncared for	50

**TABLE C  
FIRE AND LIFE SAFETY HAZARDS**

Item No.	Violation	Maximum Points
1	Exit Doors Have Improper Hardware	15
2	Required Corridors Are Not of One-Hour Construction	50
3	Corridor Doors Are Not Properly Rated (or Equivalent)	50
4	Corridor Doors Don't Have Closers	50
5	Corridor Doors Have Improper Hold Open Devices	25
6	Corridor Doors Don't Have Gasketing	25
7	Corridor Door Frames Need to be Repaired or Replaced	50
8	Transoms Above Corridor Doors are not Sealed or Fire-Rated	50
9	Exit Paths Are Not Properly Illuminated	50
10	Required Exit Signs are Missing	50
11	Required Exit Signs are not Illuminated	50
12	Exit Stairs Need to be Repaired or Replaced	50
13	Exit Stairs Need to be Provided With Handrails/Guardrails, or Handrails/Guardrails Need Repair or Replacement	50
14	Exit Stairs Are Missing or Have Improper Landings	50
15	Stair Width is Too Narrow	25
16	Stairs Need to be Enclosed in a Fire Rated Shaft	50
17	Stair Enclosures are not of the Proper Fire Rating	50
18	Doors to Stair Enclosure are Missing or are Blocked Open	50

19	Doors to Stair Enclosures Do Not Meet Required Fire Assembly Requirements, or Fire Assembly Needs Replacement or Repair	50
20	Exit Windows From Sleeping Rooms not Provided	50
21	Exit Windows From Sleeping Room Too Small in Area or Dimension	50
22	Exit Windows From Sleeping Room Have Too High a Sill Height	50
23	Improper or Hazardous Wiring	50
24	Missing or Inoperative Unit Smoke Detectors	50
25	Missing or Inoperative Fire Extinguishers	50
26	Improper Storage, Building Clutter, or other Fire Hazards	25
27	Required Fire Sprinkler System Inoperative or Missing	50
28	Fire Resistive Occupancy Separation or Area Separation Walls need to be repaired or replaced	25
29	Fire resistive construction needs repair or replacement	25
30	Lack of, inoperable, or inadequate fire alarm system	50

**TABLE D  
DERELICT BUILDINGS OR STRUCTURES**

Item No.	Violation
1	<p><b>Interior Environment Violations</b>, which shall include, but not be limited to, the following, if required specifically by the occupancy classification for the use of the building:</p> <ul style="list-style-type: none"> <li>a. Lack of, or inadequate ventilation.</li> <li>b. Infestation by insects, vermin, or rodents.</li> </ul>
2	<p><b>Structural Hazards</b>, 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:</p> <ul style="list-style-type: none"> <li>a. Cracked or crumbling concrete or masonry foundation walls, footings, or posts, or deteriorated or rotting wood foundations or wood posts.</li> <li>b. Flooring or floor supports which are defective, deteriorated, or of insufficient size to carry imposed loads with safety.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ul>
3	<p><b>Hazardous or inadequate wiring</b> which presents an immediate danger to life or limb:</p> <ul style="list-style-type: none"> <li>a. Wiring which is inadequately sized for the presently imposed electrical loads.</li> <li>b. Wiring where, due to improper ground, lack of insulation, or other conditions, short circuits can occur.</li> <li>c. Damaged, missing, or insufficient electrical convenience outlets, electrical components, or equipment.</li> </ul>

4	<p><b>Hazardous or inadequate plumbing</b> which present a hazard to health, or do not provide minimum acceptable amenities for occupancy:</p> <ul style="list-style-type: none"> <li>a. Lack of, or inoperable water closets, lavatories, bathtubs, showers, or other plumbing fixtures as required for the occupancy.</li> <li>b. Lack of hot and/or cold running water to plumbing fixtures.</li> <li>c. Lack of, or inadequate water heating facilities.</li> <li>d. Plumbing piping and fixtures improperly installed.</li> <li>e. Plumbing piping and connections which leak, are plugged, or otherwise are inoperative.</li> <li>f. Plumbing fixtures which are not properly connected to the waste and vent system, or which are cracked, inoperative, or leak.</li> <li>g. Lack of or inadequate sewage disposal/or connection of plumbing fixtures thereto.</li> </ul>
5	<p><b>Hazardous mechanical equipment</b> which present a hazard to health, life, or limb, or do not provide minimum acceptable amenities for occupancy:</p> <ul style="list-style-type: none"> <li>a. Lack of or inadequate heating facilities.</li> <li>b. Mechanical equipment with undersized vents or chimneys.</li> <li>c. Fuel-fired equipment with insufficient combustion air.</li> <li>d. Mechanical equipment which, because of lack of maintenance or improper installation, constitutes a fire hazard.</li> </ul>
6	<p><b>Faulty Weather Protection:</b> Indications of which shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> <li>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.</li> <li>b. Deteriorated or missing roof covering material and flashing.</li> <li>c. Standing water in crawl spaces or basements.</li> <li>d. Deteriorated or rotted stairs, porches, balconies, or decks.</li> </ul>
7	<p><b>Fire Hazard:</b> Any conditions which, in the opinion of the Fire Chief, constitute a distinct hazard to life or property.</p>
8	<p><b>Faulty Materials or Construction:</b> 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.</p>
9	<p><b>Hazardous or Unsanitary Premises:</b> 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.</p>
10	<p><b>Inadequate Exits:</b> 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.</p>
11	<p><b>Inadequate Fire-Protection or Fire-Fighting Equipment:</b> All buildings or portions thereof which are not provided with fire-resistive construction, fire extinguishing systems, or smoke detection equipment as required by the Tacoma Municipal Code.</p>
12	<p><b>Improper Occupancy:</b> 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.</p>

**TABLE E  
DANGEROUS 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 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 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 or structure 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 2.01.060.D.8.b.

**TABLE F  
PENALTIES**

Penalty Assessment	Penalty Amount
First Penalty Assessment	\$125
Second Penalty Assessment	\$250
Third Penalty Assessment	\$250
Fourth Penalty Assessment and Subsequent Assessments	\$250

(Ord. 27027 § 1; passed Dec. 10, 2002: Ord. 26715 § 3; passed Oct. 17, 2000: Ord. 26380 § 1; passed Mar. 16, 1999: Ord. 20530 § 2; passed Aug. 26, 1975: Ord. 17517 § 1; passed Jan. 2, 1964: Ord. 16384 § 5; passed Jun. 29, 1959: Ord. 15742 §§ 1-13; passed Nov. 13, 1956)

**2.01.070 Minimum building requirements.**

No owner shall maintain, or permit to be maintained, any property which does not comply with the requirements of this chapter. All property shall be maintained to the Building Code requirements in effect at the time of construction. Alterations or repairs shall meet the minimum standards in this section and the repair standards set forth in Section 2.01.080, Repair Standards.

**A. Display of Address Number.**

Address numbers posted shall be the same as the number assigned by the City of Tacoma Building and Land Use Services Division. All buildings shall have address numbers posted in a conspicuous place on contrasting background so they may be read from the street or public way. Tenant spaces in buildings shall be clearly numbered or lettered, in a logical and consistent manner.

**B. Foundations.**

Building foundation systems shall adequately support the building. Those parts of the system constructed of wood shall be free from deterioration or dry rot. Concrete and masonry elements shall be integral without substantial fracturing or cracks.

Exterior walls shall be supported on a continuous concrete or masonry foundation, or an engineer-designed foundation system, which accounts for both vertical and lateral (earthquake and wind) loads, shall be provided. In absence of a continuous masonry or concrete foundation, an approved skirting system shall be provided to prevent the entrance of rodents and other animals to the crawl space or under-floor area of the building.

The building shall be anchored to the foundation system in an approved manner.

Under-floor areas shall be ventilated by an approved mechanical means or by openings in the exterior foundation walls to provide natural ventilation.

**C. Floors.**

Floors shall be even, without breaks or holes, and constructed of materials of adequate strength to support the dead loads of the floor materials and the live loads required by the Building Code in effect at the time the building was built. Floors shall be reasonably level.

**D. Exterior Walls.**

Exterior walls and exposed exterior surfaces shall be structurally sound, and shall form a weather-tight barrier to the outside elements.

## Tacoma Municipal Code

Exterior walls shall comply with the Building Code in effect at the time the building was built for fire resistance, parapets, and opening protection.

### E. Windows and Glazing.

Windows and glazing shall be in good condition and maintain a weather barrier against the elements. All glazing shall be uncracked and unbroken. Operable windows shall be able to operate in the manner in which they were designed, and shall not be painted closed or otherwise bind in a manner rendering them inoperable. Sash weights and cords shall be intact and in good condition, if needed for the operation of the windows. Frames and sashes shall be free of deteriorated or rotted materials.

### F. Roofs.

Roof structures shall be structurally sound and free of deteriorated or rotted materials. Roofing shall be weather tight and provide protection to the interior of the building from outside elements. Roof drainage shall be directed to approved locations. Roofs shall be maintained in good repair.

Roof systems shall be provided with adequate ventilation to prevent deterioration.

An attic where the ceiling or roof is constructed of combustible materials and which has a vertical height of 30 inches or more shall be provided with an access opening as required by the Building Code in effect at the time the building was built.

### G. Exterior Stairs, Ramps, Porches, and Decks.

Every exterior stair, ramp, porch, deck, or other exterior appurtenances, including guardrails and handrails, shall be constructed of materials of sufficient strength to perform the function for which it is designed and to carry the live and dead loads prescribed by the Building Code in effect at the time the building was built. All material shall be kept in sound condition and good repair. Replacement of materials shall be made as necessary of flooring treads, risers, stringers, decking, and other materials that show excessive wear are broken, warped, loose, or deteriorated. Weather-exposed surfaces shall be protected in an approved manner.

### H. Exits.

All buildings shall be provided with exits in accordance with the Building Code.

**EXCEPTION:** Exiting systems which met the Building Code at the time that the building or structure was constructed, which have been maintained in good condition and do not pose a

danger to life, in the opinion of the Building Official, may be accepted as an alternative to the Building Code.

Exits shall terminate at a public street or shall terminate to a place of refuge which is sufficiently large enough to receive all the occupants in the structure, and which is no less than 60 feet from the building or structure.

### I. Doors, Latches, and Locks.

All exit doors shall comply with the Building Code in effect at the time the building was built for width and height and shall be openable from the inside without a key or special knowledge. All doors serving an occupant load of 50 or more shall swing in the direction of egress.

Doors serving an occupant load of less than ten, as calculated by the Building Code, may have dead bolts, provided they are provided with a thumb operator, knob, or equivalent on the inside. Dead bolts which require keys to be operated from the inside are not permitted.

Doors serving occupancies classified as Group A (Assembly), Group E (Educational or Day Care), Group H (Hazardous), and Group I (Institutional) shall be provided with panic hardware when serving occupant loads of 50 or more as calculated by the Building Code, or when otherwise required by the Building Code.

### J. Corridors.

Corridors shall be constructed in accordance with the provisions of the Building Code in effect at the time the building was built. Corridors shall terminate at doors to the exterior of the building or to doors leading to stair enclosures or to doors passing through horizontal exits, as defined by the Building Code. Exits from corridors shall not pass through intervening rooms except for lobbies and waiting areas constructed to corridor standards as defined by the Building Code in effect at the time the building was built.

### K. Stairways and Stair Enclosures.

Stairs shall be constructed as required by the Building Code. Stairs shall be enclosed when required by the Building Code in effect at the time the stair enclosure was built.

### EXCEPTIONS:

1. Stairways constructed prior to July 1, 1988, which serve occupant loads of ten or more, but which have risers in excess of 7 inches but not exceeding

7.5 inches, and/or have treads with a depth less than 11 inches but not less than 10 inches measured from tread nose to tread nose.

2. Buildings and structures which have fire escapes which have been maintained and tested in accordance with the Building Code and the Fire Code. See Subsection Q, Fire Escapes, of this chapter.

L. Ramps.

Ramps shall be constructed as required by the Building Code.

EXCEPTION: Existing ramps which do not exceed a slope of one vertical to eight horizontal (12.5 percent) and which conformed to the Building Code in effect at the time the building or structure was constructed may be used for exiting purposes, provided there are landings at the top and the bottom of the ramp which have lengths equal to the width of the ramp, or 36 inches, whichever is greater. The length of such landings do not need to exceed 44 inches.

M. Guardrails.

Unenclosed floor and roof openings, open and glazed sides of stairways, landings and ramps, balconies or porches, which are more than 30 inches above grade or floor below, and roofs used for other than service of the building shall be protected by a guardrail.

EXCEPTION: Guardrails need not be provided at the following locations:

1. On the loading side of loading docks.
2. On the auditorium side of a stage, raised platforms, and other raised floor areas, such as runways, ramps, and side stages used for entertainment or presentation; along the side of an elevated walking surface, when used for the normal functioning of special lighting or for access and use of other special equipment; at vertical openings in the performance area of stages.
3. Along vehicle service pits not accessible to the public.

Height. The top of guardrails shall meet the requirements of Building Code in effect at the time the guardrail was built, but need not exceed 42 inches in height.

EXCEPTIONS:

1. The top of guardrails for Group R, Division 3 and Group U, Division 1 Occupancies, and interior guardrails within individual dwelling units, Group R, Division 3 congregate residences and guest rooms of

Group R, Division I Occupancies, do not need to exceed 36 inches in height.

2. The top of guardrails on a balcony immediately in front of the first row of fixed seats and which are not at the end of an aisle may be 26 inches in height.

3. The top of guardrails for stairways, exclusive of their landings, may have a height as specified in the Stairway Handrails section of this chapter.

Openings. Open guardrails shall have intermediate rails or an ornamental pattern such that complies with the Building Code in effect at the time the guardrail was built. If the guardrail is new or needs to be reconstructed, the intermediate rails or ornamental pattern shall comply with the presently adopted Building Code. If the existing guardrail does not have intermediate rails or an ornamental pattern, intermediate rails or an ornamental pattern shall be provided which complies with the presently adopted Building Code.

N. Stairway Handrails.

Stairways shall have handrails on each side, and every stairway required to be more than 88 inches in width shall be provided with not less than one intermediate handrail for each 88 inches of required width. Intermediate handrails shall be spaced approximately equally across with the entire width of the stairway.

EXCEPTIONS:

1. Stairways less than 44 inches in width or stairways serving one individual dwelling unit in Group R, Division 1 or Division 3 Occupancies, or a Group R, Division 3 congregate residence, may have one handrail.
2. Private stairways 30 inches or less in height may have handrails on one side only.
3. Stairways having less than four risers and serving one individual dwelling unit in Group R, Division 1 or Division 3, or a Group R, Division 3 congregate residence, or serving Group U Occupancies, need not have handrails.

The top of handrails and handrail extensions shall meet the requirements of the Building Code in effect at the time the stairway was built, but in no case shall be less than 30 inches nor more than 38 inches above the nosing of treads and landings. Handrails shall be continuous the full length of the stairs. Handrail ends shall be returned or shall terminate in newel posts or safety terminals.

## Tacoma Municipal Code

The handgrip portion of handrails shall meet the requirements of the Building Code in effect at the time the stairway was built. The handgrip portion of handrails shall have a smooth surface with no sharp corners.

Handrails projecting from a wall shall have a space of not less than 1-1/2 inches between the wall and the handrail.

Handrails used to protect the open side of stairways or landings shall be provided with intermediate rails or an ornamental pattern, when the drop from the stairs or landing is 30 inches or more to the ground or surface below. The intermediate rails or patterns shall be as required by the Building Code under which it was constructed. If such handrail is new or being replaced, it shall meet the requirements of the presently adopted Building Code. If such handrail is existing, but is not provided with intermediate rails or ornamental pattern, intermediate rails or an ornamental pattern shall be provided to comply with the presently adopted Building Code.

### O. Exit Path Lighting.

General. Except within individual dwelling units, guest rooms, and sleeping rooms, exits shall be illuminated at any time the building is occupied, with light having intensity of not less than 1.0 foot-candle at floor level.

EXCEPTION: In auditoriums, theaters, concert or opera halls, and similar assembly uses, the illumination at floor level may be reduced during performances to not less than 0.2 foot-candle.

Sources of Power. The power supply for exit illumination shall normally be provided by the premises' wiring system. Emergency backup power or power on separate circuits shall be in accordance with the Building Code in effect at the time the lighting was installed.

### P. Exit Signs.

Where Required. When two or more exits from a story are required, exit signs shall be installed at stair enclosure doors, horizontal exits, and other required exits from the story. When two or more exits are required from a room or area, exit signs shall be installed at the required exits from the room or area and where otherwise necessary to clearly indicate the direction and path of egress.

#### EXCEPTIONS:

1. Main exterior exit doors, which obviously and clearly are identifiable as exits, need not be signed when approved by the Building Official.

2. Group R, Division 3, and individual units of Group R, Division 1 Occupancies.

3. Exits from rooms or areas with an occupant load of less than 50 when located within a Group I, Division 1.1, 1.2, or 2 Occupancy, or a Group E, Division 3 day-care occupancy.

Graphics. The color and design of lettering, arrows, and other symbols on exit signs shall be in high contrast with their background. Words on the signs shall be in block letters 6 inches in height with a stroke of not less than 3/4 inch, or in accordance with the Building Code in effect at the time the original signs were installed.

Illumination. Signs shall be internally or externally illuminated in accordance with the Building Code in effect at the time the exit signs were installed.

Power Supply. Current supply to one of the lamps for exit signs shall be provided by the premises' wiring system. Power to the other lamp shall be from storage batteries or an on-site generator set, and the system shall be installed in accordance with the Electrical Code or in accordance with the Building Code in effect at the time the exit signs were installed.

### Q. Fire Escapes.

New fire escapes shall not be permitted to be installed. Existing fire escapes complying with this section may be accepted by the Building Official as one of the required exits. The fire escape shall not be the primary or the only exit. Fire escapes shall not take the place of stairways required by the codes under which the building was constructed. Fire escapes shall be subject to re-inspection as required by the Building Official. The Building Official shall require documentation to show compliance with the requirements of this section.

Fire escapes shall comply with the following:

1. Access from the corridor shall not be through an intervening room.

EXCEPTION: Access through an intervening room may be permitted if the intervening door is not lockable and an exit sign is installed above the door which will direct occupants to the fire escape. Such intervening rooms shall not be storage rooms, mechanical equipment rooms, kitchens, or similar spaces, and shall be common to the building in general and not part of a tenant space.

2. All openings in an exterior wall below or within 10 feet, measured horizontally, of an existing fire escape serving a building over two stories in height,

shall be protected by a self-closing fire assembly having a three-fourths-hour fire protection rating. When located within a recess or vestibule, adjacent enclosure walls shall be of not less than one-hour fire-resistive construction.

3. Egress from the building shall be by an opening having a minimum clear width and height of not less than 29 inches. Such openings shall be openable from the inside without the use of a key or special knowledge or effort. The sill of an opening giving access to the fire escape shall be not more than 30 inches above the floor of the building or balcony. The top of the frame of the opening giving access to the fire escape shall be not less than 59 inches above the floor.

4. Fire escape stairways and their balconies shall support their dead load plus a live load of not less than 100 pounds per square foot or a concentrated load of 300 pounds placed anywhere on the balcony or stairway so as to produce the maximum stress conditions. The stairway shall have a slope not to exceed 60 degrees from the horizontal and shall have a minimum width of 18 inches. The stairway shall be provided with a top and intermediate railing on each side. Treads shall not be less than 4 inches in width, and the rise between treads shall not exceed 10 inches. All stairway and balcony railings shall support a horizontally applied force of not less than 50 pounds per lineal foot of railing or a concentrated load of 200 pounds placed anywhere on the railing so as to produce the maximum stress conditions.

5. Fire escape balconies shall not be less than 44 inches in width with no floor openings greater than 5/8 inch in width except the stairway opening. Stairway openings in such balconies shall not be less than 22 inches by 44 inches. The guardrail of each balcony shall not be less than 36 inches high with not more than 9 inches between intermediate rails.

6. Fire escapes shall extend to the roof or provide an approved gooseneck ladder between the top floor landing and roof when serving buildings four or more stories in height having roofs with a slope not exceeding 4 in 12. Such ladders shall be designed and connected to the building to withstand a horizontal force of 100 pounds per lineal foot; each rung shall support a concentrated load of 500 pounds placed anywhere on the rung so as to produce the maximum stress conditions. All ladders shall be at least 15 inches in clear width, be located within 12 inches of the building, and shall be placed flat wise relative to the face of the building. Ladder rungs shall be 3/4 inch in diameter and shall be located 10 inches to 12 inches on center. Openings for roof access ladders

through cornices and similar projections shall have minimum dimensions of 30 inches by 33 inches.

7. The lowest balcony shall not be more than 18 feet from the ground. Fire escapes shall extend to the ground or be provided with counter-balanced stairs reaching the ground.

8. Fire escapes shall be kept clear and unobstructed at all times and shall be maintained in good working order. Fire escape stairways, balconies, railings, and ladders shall be visually inspected annually and shall be subjected to a stress test every five years in accordance with the provisions of Chapter 3.02 of the Tacoma Municipal Code. Fire escapes failing the stress test shall be repaired or removed from the building, as directed by the Fire Chief. If the fire escape is removed from the building, it shall be replaced with stairways meeting all requirements for stairways in new construction.

9. The fire escape shall have clearance from electrical service conductors as required by the Electrical Code.

#### R. Exits for Sleeping Rooms.

All sleeping rooms below the fourth story in buildings shall be provided with two exits. One of the exits may be a window opening onto a public way or into a court or yard which provides access to a public way. Such exit window shall provide a net openable area of 5.7 square feet with a minimum clear width of 20 inches and a minimum clear height of 24 inches, and a maximum sill height of 44 inches measured from the floor of the sleeping room.

#### EXCEPTIONS:

1. In buildings constructed prior to May 26, 1981, existing window with a net openable area of 5 square feet, a minimum clear width of 22 inches, a minimum clear height of 22 inches, and a maximum sill height of 48 inches measured from the floor of the sleeping room, shall be deemed to meet the exit window requirement. Where the window frame is to be replaced, this exception shall not apply, except as necessary to fit within the rough framed opening, in which case the opening dimensions shall be maximized. (Note: If a new opening needs to be created or an existing opening needs to be enlarged to provide an exit window from a sleeping room, this exception shall not apply.)

2. Where the sill height exceeds the maximum specified, including when Exception 1 applies, a landing with a minimum depth of 24 inches and width equal to the width of the window and frame, but not less than 36 inches, may be provided directly below the exit window within the sleeping room, provided:

## Tacoma Municipal Code

stairs shall be provided to the landing if its height exceeds 12 inches above the sleeping room floor, and that the landing and stairs do not decrease the minimum required dimensions of the sleeping room below those required by this chapter and the Building Code.

3. The size of egress windows below the fourth floor opening onto a court yard may be modified by the Building Official or the Fire Chief.

Escape and rescue windows with a finished sill height below the adjacent ground elevation shall have a window well. Window wells at escape or rescue windows shall comply with the following:

1. The clear horizontal dimensions shall allow the window to be fully opened and provide a minimum accessible net clear opening of 9 square feet, with a minimum dimension of 36 inches.
2. Window wells with a vertical depth of more than 44 inches shall be equipped with an approved permanently affixed ladder or stairs that are accessible with the window in the fully open position. The ladder or stairs shall not encroach into the required dimensions of the window well by more than 6 inches.

Bars, grilles, grates, or similar devices may be installed on emergency escape or rescue windows, doors, or window wells, provided:

1. The devices are equipped with approved release mechanisms which are openable from the inside without the use of a key or special knowledge or effort; and
2. The building is equipped with smoke detectors installed in accordance with the Building Code.

### S. Minimum Room Dimensions for Residential Buildings.

1. Ceiling heights. Habitable space shall have a ceiling height of not less than 7 feet 6 inches, except as otherwise permitted in this section. Kitchens, halls, bathrooms, and toilet compartments may have a ceiling height of not less than 7 feet measured to the lowest projection from the ceiling. Where exposed beam ceiling members are spaced at less than 48 inches on center, ceiling height shall be measured to the bottom of these members. Where exposed beam ceiling members are spaced at 48 inches or more on center, ceiling height shall be measured to the bottom of the deck supported by these members, provided that the bottoms of the members are not less than 7 feet above the floor.

If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof. No portion of the room measuring less than 5 feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.

If any room has a furred ceiling, the prescribed ceiling height is required in two-thirds the area thereof, but in no case shall the height of the furred ceiling be less than 7 feet.

EXCEPTION: The Building Official may permit lower ceiling heights where existing conditions make the strict compliance with this section impractical.

2. Floor area. Dwelling units and congregate residences shall have at least one room which shall have not less than 120 square feet of floor area. Other habitable rooms, except kitchens, shall have an area of not less than 70 square feet. Sleeping rooms shall be increased in floor area by a minimum of 50 square-feet for each occupant in excess of two. Efficiency dwelling units shall comply with the requirements of Subsection T.

3. Width. Habitable rooms, other than a kitchen, shall not be less than 7 feet in any dimension.

### T. Efficiency Dwelling Units.

An efficiency dwelling unit shall conform to the requirements of the Building Code in effect at the time the building was constructed, except as herein provided:

1. The unit shall have a living room of not less than 220 square feet of superficial floor area. An additional 100 square feet of superficial floor area shall be provided for each occupant of such unit in excess of two.

2. The unit shall be provided with a separate closet.

3. The unit shall be provided with a kitchen sink, cooking appliance, and refrigeration facilities, each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to this chapter shall be provided.

4. The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.

### U. Residential Dwelling or Dwelling Unit Room Arrangement.

Rooms in dwellings and dwelling units containing two or more sleeping rooms shall be arranged in such a manner that bathroom or water closet compartment

access is provided without traveling through a sleeping room.

**EXCEPTION:** Where each bedroom has its own bathroom facilities.

Rooms in dwellings or dwelling units shall be so arranged that access to all sleeping rooms can be made directly without traveling through other sleeping rooms, bathrooms, or water closet compartments.

Dwellings and dwelling units shall be self-contained, with access to all portions being possible without leaving the dwelling or dwelling unit.

#### V. Overcrowding, Residential Buildings.

For single family dwellings and duplexes, the maximum number of residents of each dwelling unit shall not exceed the gross area divided by 300, rounded to the nearest whole number. Bedrooms will accommodate two persons with a minimum size of 70 square feet, with no dimension being less than 7 feet. An additional 50 square feet shall be provided for each person in excess of two.

For multiple family dwellings buildings with three or more units, the maximum number of residents of each dwelling unit shall not exceed the gross area divided by 200, rounded to the nearest whole number. Bedrooms will accommodate two persons with a minimum size of 70 square feet, with no dimension being less than 7 feet. An additional 50 square feet shall be provided for each person in excess of two.

Children less than one year of age shall not be considered in applying the above provisions.

#### W. Smoke Detectors and Fire Alarm Systems.

##### 1. Smoke detectors.

a. General. Dwelling units, congregate residences, and hotel or lodging house guest rooms that are used for sleeping purposes shall be provided with smoke detectors. Detectors shall be installed in accordance with the approved manufacturer's instructions.

b. Additions, alterations, or repairs to Group R Occupancies. When the valuation of an addition, alteration, or repair to a Group R Occupancy exceeds \$1,000.00 and a permit is required, or when one or more sleeping rooms are added or created in existing Group R Occupancies, smoke detectors shall be installed in accordance with the Building Code.

**EXCEPTION:** Repairs to the exterior surfaces of a Group R Occupancy are exempt from the requirements of this section.

c. Power source. In new construction, required smoke detectors shall receive their primary power from the building wiring when such wiring is served from a commercial source, and shall be equipped with a battery backup. The detector shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than those required for over-current protection. Smoke detectors may be solely battery operated when installed in existing buildings; or in buildings without commercial power; or in buildings which undergo alterations, repairs or additions regulated by the Building Code.

d. Location within dwelling units. In dwelling units, a detector shall be installed in each sleeping room and at a point centrally located in the corridor or area giving access to each separate sleeping area. When the dwelling unit has more than one story, and in dwellings with basements, a detector shall be installed on each story and in the basement. In dwelling units where a story or basement is split into two or more levels, the smoke detector shall be installed on the upper level, except that when the lower level contains a sleeping area, a detector shall be installed on each level. When sleeping rooms are on an upper level, the detector shall be placed at the ceiling of the upper level in close proximity to the stairway. In dwelling units where the ceiling height of a room open to the hallway serving the bedrooms exceeds that of the hallway by 24 inches or more, smoke detectors shall be installed in the hallway and in the adjacent room. Detectors shall sound an alarm audible in all sleeping areas of the dwelling unit in which they are located.

e. Location in efficiency dwelling units, congregate residences and hotels. In efficiency dwelling units, hotel suites, and in hotel and congregate residence sleeping rooms, detectors shall be located on the ceiling or wall of the main room or each sleeping room. When sleeping rooms within an efficiency dwelling unit or hotel suite are on an upper level, the detector shall be placed at the ceiling of the upper level in close proximity to the stairway. When actuated, the detector shall sound an alarm audible within the sleeping area of the dwelling unit or congregate residence, hotel suite, or sleeping room in which it is located.

##### 2. Fire Alarm Systems.

a. Group R, Division 1 Occupancies shall be provided with an approved manual and automatic fire alarm system in apartment houses three or more stories in height or containing 16 or more dwelling units, in hotels three or more stories in height or containing 20 or more guest rooms, and in congregate residences

## Tacoma Municipal Code

three or more stories in height or having an occupant load of 20 or more. A fire alarm and communication system shall be provided in Group R, Division 1 Occupancies located in a high-rise building.

### EXCEPTIONS:

1. A manual fire alarm system need not be provided in buildings not over two stories in height when all individual dwelling units and contiguous attic and crawl spaces are separated from each other and public or common areas by at least one-hour fire-resistive occupancy separations and each individual dwelling unit or guest room has an exit directly to a public way, exit court, or yard.

2. A separate fire alarm system need not be provided in buildings which are protected throughout by an approved supervised fire sprinkler system having a local alarm to notify all occupants. The alarm signal shall be a distinctive sound which is not used for any other purpose other than the fire alarm.

Alarm-signaling devices shall produce a sound that exceeds the prevailing equivalent sound level in the room or space by 15 decibels minimum, or exceeds any maximum sound level with a duration of 30 seconds minimum by 5 decibels minimum, whichever is louder. Sound levels for alarm signals shall be 120 decibels maximum.

For the purposes of this section, area separation walls shall not define separate buildings.

b. Occupancies Other Than Group R. Fire alarm systems shall be provided in all other buildings other than Group R occupancies in accordance with the provisions of the Building Code and Fire Code in effect at the time the building was constructed, or when last substantially renovated, remodeled, extended, or altered.

### X. Kitchen Facilities.

Each dwelling unit shall be provided with a kitchen. The kitchen area shall contain:

1. A sink with hot and cold running water.
2. Space for a stove or hot plate.
3. Space for a refrigerator.
4. Adequate counter space for food preparation and dish washing.
5. Adequate storage space for kitchen utensils and food.
6. Adequate floor space.

Kitchens shall be provided with light and ventilation meeting the minimum standards set forth in this chapter.

Communal kitchens shall be permitted only in rooming house or boarding homes. Such communal kitchens shall be located within a room accessible to the occupants of each guest room sharing the use of the kitchen without going outside the rooming house or boarding home, or going through a unit of another occupant.

Commercial kitchens shall comply with the Mechanical Code in effect at the time the kitchen was constructed, and the requirements of the Tacoma-Pierce County Health Department. Commercial kitchens shall be provided with grease hoods and grease traps or interceptors when determined necessary.

### Y. Laundry Facilities.

All residential buildings shall provide facilities for the washing of clothes in accordance with the provisions of the codes in force at the time the building was constructed. In an apartment house, where laundry facilities are not provided for each unit, means such as laundry trays or washing machines shall be provided elsewhere on site and shall be available to tenants.

### Z. Electrical System and Lighting.

All occupied buildings shall be connected to an approved source of electrical power. An approved source of electrical power shall be Electrical Utilities authorized to furnish electrical power within the limits of the City of Tacoma.

All electrical equipment, components, and wiring shall be installed and maintained in a safe manner in accordance with applicable codes. All electrical equipment shall be listed by an approved testing and/or listing agency. All damaged or missing electrical components or equipment shall be replaced, repaired, or removed as appropriate.

The electrical system shall be safe and not be a shock or fire hazard to the occupants of the building. Services shall be adequately sized and provided with fuses, breakers, and other appropriate safety equipment. Wiring shall be maintained in a safe condition.

Exit facilities and other hallways and stairs shall be provided with supplied and operable lighting capable of providing a minimum of one foot-candle lighting intensity at floor level. Emergency power shall be

provided if required by the code under which the building was constructed.

Every habitable room shall contain at least two supplied and operable electrical convenience outlets, or one supplied electric convenience outlet and one supplied and operable light fixture.

Every kitchen, furnace room, and laundry room shall contain at least one supplied electric convenience outlet and one supplied and operable light fixture.

Every bathroom, rest room, and toilet compartment shall contain at least one supplied and operable electric light fixture. In addition, every room containing lavatories shall be provided with at least one convenience outlet.

#### AA. Heating and Mechanical Equipment.

Heating equipment shall be provided to heat every dwelling and guest room, and shall have the capacity to heat all habitable rooms to 70 degrees Fahrenheit with an ambient outside temperature of 20 degrees Fahrenheit. Such equipment shall be in compliance with the Mechanical Code and the Building Code. Solid-fuel-burning appliances and portable heating devices shall not be used to provide the primary heat for the dwelling or guest rooms.

#### BB. Water Heating Equipment.

Every dwelling or dwelling unit shall have water heating equipment which is properly installed and maintained in safe and good working condition. Such equipment shall be provided with piping to distribute the hot water to all locations required by the Building, Plumbing, and Mechanical Codes and this chapter. Water heating equipment shall be capable of heating water to 120 degrees Fahrenheit in quantities to permit a reasonable amount of hot water to be drawn at every required kitchen sink, lavatory, bathtub, or shower on demand. Hot water heating equipment shall have its thermostat set no lower than 120 degrees Fahrenheit, and shall be provided with all safety equipment prescribed by the Plumbing and Mechanical Codes. Water-heating equipment required by this section shall be independent of the building heating system.

#### CC. Light and Ventilation.

1. Lighting. All occupied portions of buildings shall be provided with natural or artificial light.

All habitable rooms in residential dwelling buildings or dwelling units shall be provided with natural light.

Natural light shall be provided for each room by windows and/or skylights which combine to have a

minimum area of one-tenth (1/10) of the floor area of the room or combination of rooms being considered.

Artificial light shall be provided with electrical fixtures wired to house power provided by a supply utility which provide a minimum light intensity of 1.0 foot-candle at floor level. Existing lighting which met the Building Code in effect at the time the building was constructed, has been maintained in safe condition, and which provides the minimum 1.0 foot-candle at floor level is deemed as meeting this section. New lighting shall be required to meet the Washington State Energy Code.

Adjacent rooms may be considered as one room, provided that the opening in the wall between the two rooms provide a minimum clear opening of one-tenth (1/10) of the floor area of the interior room, 25 square feet, or one-half of the area of the wall between the rooms, whichever is greater.

2. Ventilation. All occupied portions of buildings shall be provided with natural or mechanical ventilation.

Natural ventilation shall be by means of openable windows, doors, skylights, or other approved openings to the exterior of the building. Natural ventilation shall be provided at a rate of one-twentieth (1/20) of the floor area of the space or combination of spaces being considered.

Existing mechanical ventilation meeting the requirements of the Building and Mechanical Codes in effect at the time the building was constructed shall be considered satisfactory. New or revised mechanical ventilation shall meet the requirements of the Washington State Ventilation and Indoor Air Quality Code.

#### DD. Solid-Fuel-Burning Appliances.

Solid-fuel-burning appliances shall be listed by an approved testing and/or listing agency, and shall be installed in accordance with their listings for clearances, chimneys, and floor protection.

EXCEPTION: Unlisted solid-fuel-burning appliance installations which existed prior to 1977, and which are in good condition, may remain, provided:

1. The clearances to combustible materials are in accordance with Tables 3-A and 3-B of the 1994 Uniform Mechanical Code.

2. The installation meets the requirements of the Building Code in effect at the time of the installation.

Solid-fuel-burning appliances shall not be used as the primary heating source for dwelling units.

## Tacoma Municipal Code

EXCEPTION: Solid-fuel-burning furnaces with an approved ducted heat distribution system, and an automatic fuel delivery system.

### EE. Chimneys.

Every smoke pipe and every chimney shall remain adequately supported and free from obstructions and shall be maintained in a condition which ensures there will be no leakage or back-up of noxious gases. Every chimney shall be reasonably plumb. Loose bricks or blocks shall be rebonded. Loose or missing mortar shall be replaced. Unused openings into the interior of the structure must be permanently sealed using approved materials. Chimneys used for approved gas appliances shall be lined with approved materials.

Masonry chimneys supported on chimney brackets ("shelf chimneys") shall be removed, or the chimney shall be modified to provide an approved support system.

### FF. Plumbing.

Supply, waste, and vent plumbing piping shall be in good condition and free from leaks. Waste piping shall be adequately sized to safely convey waste water to the City Sewer or to other approved plumbing waste disposal systems. Vent piping shall be adequately sized and configured to prevent siphoning of plumbing fixture traps. All plumbing fixtures shall be in good condition, free from cracks and leaks, and shall be properly connected to the waste and vent system of the building.

### GG. Number of Plumbing Fixtures.

Dwelling Units: Every dwelling unit shall be provided with a kitchen sink, a water closet, a lavatory (bathroom sink), and either a bathtub or a shower.

Lodging Houses: Lodging Houses shall be provided with a minimum of a kitchen sink, a water closet, a lavatory (bathroom sink), and a bathtub or a shower, provided that, where the bathtub or shower is provided in the same room as a water closet and lavatory, that there shall be an additional water closet and lavatory in the building in a different location.

Apartment Houses, Hotels, and Motels: Each apartment house dwelling unit, hotel unit, or motel unit shall be provided with a water closet, a lavatory (bathroom sink), and a bathtub or a shower.

EXCEPTION: Apartment houses, hotels, and motels existing prior to January 1, 1961, which contain communal toilet and bathing facilities rather than facilities for each unit, may continue operation without requiring modification, provided:

1. There are separate toilet and bathing facilities for each sex.

2. Toilet and bathing facilities shall be separate from each other or of adequate size to permit simultaneous use.

3. The men's toilet facilities shall contain:

Water Closets: One for every ten guest rooms, or fraction thereof, but not less than one.

Urinals: One for every 25 guest rooms, or fraction thereof, but not less than one.

Lavatories: One for every 12 guest rooms, or fraction thereof, but not less than one.

4. The women's toilet facilities shall contain:

Water Closets: One for every eight guest rooms, or fraction thereof, but not less than one.

Lavatories: One for every 12 guest rooms, or fraction thereof, but not less than one.

5. The bathing facilities for each sex shall contain:

One shower and bathtub combination and, in addition, shall provide one additional shower for every eight guest rooms over eight.

Dormitories: Dormitories shall provide toilet facilities in accordance with the exception listed for Hotels and Motels.

Commercial and Industrial Buildings: Commercial and Industrial Buildings shall be provided with toilet facilities for each sex. Each toilet facility shall be provided with a minimum of one water closet and one lavatory. In addition, each men's toilet facility shall also be provided with a urinal where there are more than four persons using the facility.

### EXCEPTIONS:

1. Commercial and Industrial buildings may provide a single toilet facility with a lockable door where four or less persons are employed.

2. Restaurants with seating for 24 or less patrons may provide a single toilet facility with a lockable door.

The number of fixtures provided in each of the toilet facilities for commercial and industrial buildings shall meet the requirements set forth in the Building Code.

EXCEPTION: Toilet facilities which provided adequate fixtures in accordance with the Plumbing Code in effect when the building was constructed.

HH. Sanitation.

1. Floors. In other than dwelling units, toilet room floors shall have a smooth, hard, nonabsorbent surface, such as Portland cement, concrete, ceramic tile, or other approved material which extends upward onto the walls at least 5 inches.

2. Walls. Walls within 2 feet of the front and sides of urinals and water closets shall have a smooth, hard, nonabsorbent surface of Portland cement, concrete, ceramic tile, or other smooth, hard, nonabsorbent surface to a height of 4 feet, and except for structural elements, the materials used in such walls shall be of a type which is not adversely affected by moisture.

EXCEPTIONS:

1. Dwelling units and guest rooms.
2. Toilet rooms which are not accessible to the public and which have not more than one water closet.
3. Hardware. In all occupancies, accessories such as grab bars, towel bars, paper dispensers, and soap dishes, provided on or within walls, shall be installed and sealed to protect structural elements from moisture.
4. Bathtub and Shower. Bathtub and shower enclosures in all occupancies shall be finished as specified in items 1 and 2 above, to a height of not less than 70 inches above the drain inlet. Materials other than structural elements used in such walls shall be of a type which is not adversely affected by moisture.
5. Water Closet Room Separation. A room in which a water closet is located shall be separated from food preparation or food storage rooms by tight-fitting doors.

II. Infestation.

Every building shall be kept free from infestations of vermin. Where infestations of vermin are found, they shall be promptly eliminated by extermination. After elimination of infestations, proper precautions shall be taken to prevent reinfestations. (See definition of vermin.)

JJ. Accessory Structures.

All accessory structures shall be maintained structurally safe and sound and in good repair. All exterior surfaces of accessory structures shall be of a material specifically for use in such a weather-exposed location. Accessory structures shall not be used for the storage of garbage or rubbish unless such garbage or rubbish is placed in an approved container

or stored in a manner so as not to constitute a health or safety hazard.

An accessory structure shall contain no habitable space. No person shall occupy or allow another to occupy an accessory structure for living purposes. Plumbing shall not be permitted in an accessory structure, except as permitted by the Tacoma Land Use Regulatory Code.

Accessory buildings are not permitted on building lots separate from the main building, except as permitted by the Tacoma Land Use Regulatory Code. Detached accessory buildings located on a site where the main building has been removed may remain on the lot for up to a year, without the main building being replaced.

EXCEPTION: With the permission of the Building Official, accessory buildings may remain on a building lot where the main building has been destroyed for longer than one year, for sufficient reasons, presented to the Building Official in writing.

KK. Accessibility for the Physically Disabled.

All buildings shall be in compliance with the provisions of the Washington State Code for Barrier Free Design that were in effect at the time the building was constructed. Additions, renovations and/or remodeling of existing buildings shall meet the requirements of the present Washington State Code for Barrier Free Design as it applies to existing buildings and to the specific project.

LL. Exterior Maintenance.

1. Buildings. The exterior of buildings shall be maintained in a manner which appears neat and orderly. Weatherproofing elements, such as roofing and siding, shall be firmly attached and in good condition. Glazing and exterior doors shall be intact and in good repair. Painted surfaces shall be fully covered and all peeling or blisters shall be scraped and repainted.

2. Sidewalks and Paving. The owner shall be responsible for maintaining sidewalks and other paving on the property. Sidewalks and other paving on the property shall provide a reasonably even surface without potential hazards.

3. Exterior Property Areas, Yards, and Courts. The owner shall be responsible for maintaining all exterior property areas, yards, and courts in a reasonably neat, clean, and sanitary condition. Property areas shall be maintained free from any accumulation of garbage, litter, debris, overgrown, or noxious vegetation, or other conditions which constitute a nuisance as

## Tacoma Municipal Code

defined by Chapter 8.30 of the Tacoma Municipal Code. For the purposes of this section, owners shall be responsible for maintaining the property to the centerline of abutting public streets and alleys, pursuant to Chapter 9.17 of the Tacoma Municipal Code.

### MM. Recreational Vehicles or Other Vehicles.

No recreational vehicles, as defined by this chapter, or other vehicles shall be used for the purpose of living, sleeping, cooking, or any similar use while parked on public or private property.

### NN. Cargo Containers and Semi-Trailers.

1. Except as permitted by the City of Tacoma Land Use Regulatory Code, cargo containers shall not be permitted to be used as storage buildings.

2. Semi-trailers shall not be used for storage buildings. (Ord. 26715 § 3A; passed Oct. 17, 2000; Ord. 26380 § 1; passed Mar. 16, 1999; Ord. 20530 § 3; passed Aug. 26, 1975; Ord. 18914 § 1; passed Sept. 2, 1969; Ord. 17517 § 1; passed Jan. 2, 1964; Ord. 16384 § 6; passed Jun. 29, 1959; Ord. 15742 §§ 1-13; passed Nov. 13, 1956)

### 2.01.080 Repair standards.

It is recognized that, in order to maintain the properties as required by this chapter, repairs will need to be made. Repairs, renovations, alterations, and additions in general will be required to meet the applicable codes in effect at the time they are undertaken, with the minimum acceptable standard of repair being made to bring the building or element of a building up to at least the minimum standards listed in Section 2.01.070 of this chapter. The following provisions provide guidelines for these repairs, renovations, alterations, and additions which, when undertaken, require meeting a higher standard or repair than just meeting the minimum requirements set forth in Section 2.01.070 of this chapter.

In the case of where there is a change of use or where there is a substantial renovation as defined by the Building Code, all work shall be in accordance with the Building Code and the UCBC, as adopted and amended by the City of Tacoma in Chapter 2.02 of the Tacoma Municipal Code.

#### A. Foundations.

When an existing foundation system supporting the exterior walls of a building is a post and beam system, and is found by inspection to be substandard, it shall either be replaced with a continuous concrete or masonry foundation system or shall be analyzed by

an engineer as to its structural adequacy to support vertical and lateral loads and shall be modified according to the engineering report to correct deficiencies.

EXCEPTION: Skirting and other non-structural material, or occasional deteriorated or damaged structural members, may be replaced with the approval of the Building Official.

The building shall be anchored to the foundation system in an approved manner.

In crawl space construction using combustible materials, a minimum clearance of 18 inches shall be provided between the dirt and the floor joists or flooring, and 12 inches between the dirt and floor beams. The dirt shall be covered by a 6-mil black polyethylene or approved equivalent moisture barrier. When the above under-floor clearances are required, access to the under-floor area shall be provided. Access to under-floor areas shall be provided with a minimum 18-inch by 24-inch opening, unobstructed by pipes, ducts, and similar construction. All under-floor access openings shall be effectively screened or covered. Pipes, ducts, and other construction shall not interfere with the accessibility to or within under-floor areas.

EXCEPTION: When proper under-floor clearance is not provided under an existing building, the Building Official may permit the required clearance to be provided only where plumbing or other equipment is located, provided there is at least adequate clearance to prevent deterioration of materials or where the wood is pressure treated with approved wood preservatives.

Under-floor areas shall be ventilated by an approved mechanical means or by openings in the exterior foundation walls.

Mechanical Ventilation: Mechanical ventilation shall meet the Building Code requirements.

Natural Ventilation: If the under-floor space is to be provided ventilation by openings in the foundation walls, such openings shall have a net area of not less than 1 square foot for each 150 square feet of under-floor area. Openings shall be located as close to corners as is practical and shall provide cross-ventilation. The required area of such openings shall be approximately equally distributed along the length of at least two opposite sides. They shall be covered with corrosion-resistant wire mesh with 1/4-inch square mesh openings.

## B. Floors.

Floors which are required to be repaired or reconstructed shall, as nearly as possible, follow the requirements of the Building Code for materials, floor loads, support, bracing, sheathing, and nailing. Where it is not practical, in the opinion of the Building Official, to repair or replace a floor to new building code standards, he/she may approve an alternate level of compliance, which is no less than that required by the Building Code in effect at the time the building was built.

## C. Exterior Walls.

Exterior walls and exposed exterior surfaces shall be structurally sound, and shall form a weather tight barrier to the outside elements.

Deteriorated or dry rotted elements of exterior walls shall be replaced or repaired. Siding and weather-resistant coatings or coverings shall be maintained in good condition.

Exterior walls which are opened for repair shall be insulated as required by the Energy Code.

New or rebuilt exterior walls shall comply with the Building Code for fire resistance, parapets, and opening protection.

## D. Windows and Glazing.

Broken glazing (panes of glass) may be replaced with new glazing that matches the broken glass in thickness, thermal performance, fire resistance, and strength, provided that safety glazing shall be used to replace broken glass in all locations where safety glazing is required by the Building Code.

All new windows (glazing and frames) shall meet the Building Code for fire protection due to location relative to the property lines, safety glazing where glass is subject to impact as defined in the Building Code, and the thermal requirements of the Energy Code for building envelope and type of heating.

EXCEPTION: In Group R, Division 3 Occupancies where new windows are provided with no modifications to the existing wall framing, the fire protection rating of the new windows shall be at least equal to the windows being replaced.

## E. Roofs.

Roof structures shall be structurally sound. Roofing shall be weather tight and provide protection to the interior of the building from outside elements. Roof drainage shall be directed to approved locations.

Deteriorated or dry-rotted materials shall be replaced or repaired. Roofs shall be maintained in good repair.

Where ventilation is being added to roof systems, the aggregate net ventilation area shall be provided at a rate of 1/150 of the ceiling area.

EXCEPTION: Where the outlet vents are 3 feet or more above the inlet vents, the aggregate net roof ventilation area may be reduced to 1/300 of the ceiling area.

The vent area shall be divided evenly between the inlet and outlet vents. Vents shall be so located to provide cross ventilation and to avoid creating unventilated areas. The openings shall be covered with corrosion-resistant metal mesh with mesh openings of 1/4-inch in dimension.

Where attic access openings need to be provided, the opening shall be located in a corridor, hallway, or other readily accessible location. Attics with a maximum vertical height of less than 30 inches need not be provided with access openings. The attic access opening shall not be less than 22 inches by 30 inches. Thirty-inch minimum clear headroom in the attic space shall be provided at or above the access opening.

## F. Doors, Latches, and Locks.

All new doors serving an occupant load of ten or more, as calculated by the Building Code, shall have a minimum width of not less than 36 inches and a minimum height of not less than 6 feet 8 inches, and shall be openable from the inside without a key or special knowledge. All doors serving an occupant load of 50 or more shall swing in the direction of egress.

Doors serving an occupant load of less than ten, as calculated by the Building Code, may have dead bolts, provided they have a thumb operator, knob, or equivalent on the inside. Dead bolts which require keys to be operated from the inside are not permitted.

Doors serving occupancies classified as Group A (Assembly), Group E (Educational or Day Care), Group H, (Hazardous), and Group I (Institutional) shall be provided with panic hardware when serving occupant loads of 50 or more, as calculated by the Building Code, or when otherwise required by the Building Code.

## G. Corridors.

New, reconstructed, or remodeled corridors shall be constructed in accordance with the provisions of the Building Code.

## Tacoma Municipal Code

EXCEPTION: Existing duct penetration provided with fire dampers in accordance with the Building Code in effect at the time the building or structure was constructed do not need to be updated to the smoke/fire dampers required by the Building Code.

Newly established required corridors shall not have dead ends which exceed 20 feet, and corridors shall terminate at doors to the exterior of the building or to doors leading to stair enclosures or to doors passing through horizontal exits, as defined by the Building Code. Exits from corridors shall not pass through intervening rooms, except for lobbies and waiting areas constructed to corridor standards as defined by the Building Code.

### H. Stairways and Stair Enclosures.

New or rebuilt stairs shall be constructed as required by the Building Code. New stairs shall be enclosed, when required by the Building Code.

### I. Guardrails.

New guardrails, and guardrails which need to be replaced, shall meet all the requirements set forth for guardrails in the Building Code.

### J. Stairway Handrails.

Where stairways are missing handrails, handrails shall be provided which meet all the requirements of the Building Code.

### K. Exit Path Lighting.

Exit path shall be illuminated at all times the building or structure is occupied. Exit path lighting shall provide a minimum illumination at floor level of 1.0 foot-candle. Where exit path lighting in existing buildings is missing or is required to be upgraded, it shall meet the following requirements:

General. Except within individual dwelling units, guest rooms, and sleeping rooms, exits shall be illuminated at any time the building is occupied with light having intensity of not less than 1.0 foot-candle at floor level.

EXCEPTION: In auditoriums, theaters, concert or opera halls, and similar assembly uses, the illumination at floor level may be reduced during performances to not less than 0.2 foot-candle.

Separate Sources of Power. The power supply for exit illumination shall normally be provided by the premises' wiring system. In the event of its failure, illumination shall be automatically provided from an emergency system for Group I, Divisions 1.1 and 1.2 Occupancies, and for all other occupancies where the

exiting system serves an occupant load of 100 or more.

Emergency systems shall be supplied from storage batteries or an on-site generator set and the system shall be installed in accordance with the requirements of the Electrical Code.

### L. Exit Signs.

Where exit signs in existing buildings are missing or are required to be upgraded, they shall meet the following requirements:

Where Required. When two or more exits from a story are required, exit signs shall be installed at stair enclosure doors, horizontal exits, and other required exits from the story. When two or more exits are required from a room or area, exit signs shall be installed at the required exits from the room or area and where otherwise necessary to clearly indicate the direction and path of egress.

### EXCEPTIONS:

1. Main exterior exit doors, which obviously and clearly are identifiable as exits, need not be signed when approved by the Building Official.
2. Group R, Division 3, and individual units of Group R, Division 1 Occupancies.
3. Exits from rooms or areas with an occupant load of less than 50 when located within a Group I, Divisions 1.1, 1.2, or 2 Occupancy, or a Group E, Division 3 day-care occupancy.

Graphics. The color and design of lettering, arrows, and other symbols on exit signs shall be in high contrast with their background. Words on the sign shall be in block letters 6 inches in height with a stroke of not less than 3/4 inch.

Illumination. Signs shall be internally or externally illuminated by two electric lamps or shall be of an approved self-luminous type. When the luminance on the face of an exit sign is from an external source, it shall have an intensity of not less than 5.0 foot-candles from either lamp. Internally-illuminated signs shall provide equivalent luminance.

Power Supply. Current supply to one of the lamps for exit signs shall be provided by the premises' wiring system. Power to the other lamp shall be from storage batteries or an on-site generator set, and the system shall be installed in accordance with the Electrical Code.

(Note: Refer to Building Code for high-rise buildings and for amusement structures.) (Ord. 26380 § 1;

passed Mar. 16, 1999: Ord. 17842 § 2; passed Mar. 18, 1965: Ord. 15742 §§ 1-13; passed Nov. 13, 1956)

## **2.01.090 Unoccupied or vacant building standards.**

### **A. Intent.**

It is the intent of this section that buildings which are unoccupied or vacant shall present a neat and orderly appearance, and, as much as possible, will appear occupied or ready for occupancy. If a building is to remain unoccupied or vacant for a period of time, it shall meet the following standards:

1. All exterior openings shall be properly secured as outlined in Subsection C below, Standards for Securing Buildings. Openings shall be secured by the normal building amenities, including, but not limited to, doors, shutters, grills, and window glazing, which can be considered appropriate for securing an occupied building. If it becomes necessary to temporarily secure openings by covering them with structural paneling, the use of the paneling shall be limited to a maximum of 30 calendar days. Where it becomes impractical to secure buildings using the normal security measures, the Building Official may permit the use of medium density overlay or other approved materials, installed in the window frames and painted with a glossy paint of such color to simulate glazing. In such case, the paneling or other approved materials shall blend with the exterior finish of the building, to provide the building with a neat and tended appearance.

2. The building shall be properly weather-protected to prevent deterioration of the exterior and interior of the building. This weather protection shall be approved by the City and shall include the roof and wall assemblies.

3. All miscellaneous debris which constitutes a fire hazard shall be removed from the building and property, and the property shall be left in such condition as to not be in violation of the City of Tacoma's Nuisance Ordinance, Chapter 8.30 of the Tacoma Municipal Code. The property shall remain nuisance free at all times.

4. All buildings which have automatic fire sprinkler systems and/or fire alarm systems shall have such systems maintained in operable condition at all times.

5. Adequate heat shall be maintained within an unoccupied or vacant building to prevent plumbing and automatic fire sprinkler systems from freezing, or alternatively the plumbing, automatic fire sprinkler

systems, or any other element in the building sensitive to freezing may be winterized in an approved manner.

6. All sewer lines shall be capped. (When approved by the Building and Land Use Services Division, this may be accomplished by providing an approved plug at the fixtures within the building.)

7. The owner shall inspect the property periodically to assure that the property remains in compliance with this chapter. In the event that the unoccupied building does not conform to this standard, the Building Official may order the owner to inspect the property, according to a specific schedule, and to provide written reports that the inspections have been performed and that the property is in compliance with these standards.

### **B. Procedures for Securing Buildings.**

#### **1. Vacant Buildings.**

Once a building is determined to be vacant and is open to unauthorized third-party entry, the Building Official shall make reasonable effort to contact the owner to have the building secured. If the owner cannot be contacted with reasonable effort, the City of Tacoma shall secure the building. If such building is presenting an immediate danger to the health, safety, and welfare of the public, or is requested to be immediately secured by the Building Official, the City of Tacoma Police Department, the City of Tacoma Fire Department and/or the Tacoma-Pierce County Health Department, the Building Official shall immediately cause the building to be secured. In the event that the City of Tacoma secures the building, all costs incurred shall be assessed to the owner of the property.

#### **2. Occupied Buildings.**

If a building is occupied and determined by the City of Tacoma to be in violation of this chapter and presents an immediate danger to the health, safety, and welfare of the occupants or the public, the building shall be ordered vacated by the Building Official, and the Building Official shall cause the building to be immediately secured from unauthorized third-party entry. In the event that the City of Tacoma secures the building, all costs incurred shall be assessed to the owner of the property.

### **C. Standards for Securing Buildings.**

To secure a building, all doors, window openings, or other openings on floors accessible from grade shall be closed and locked, or shuttered to prevent third-party entry, to the satisfaction of the Building

**Tacoma Municipal Code**

Official. (Ord. 26715 § 4; passed Oct. 17, 2000:  
Ord. 26380 § 1; passed Mar. 16, 1999: Ord. 15742  
§ 1-13; passed Nov. 13, 1956)

**2.01.100 Residential Building Rental  
Registration Program.**

*Repealed by Ord. 27154*

(Ord. 27154 § 1; passed Oct. 21, 2003: Ord. 26715  
§ 5; passed Oct. 17, 2000: Ord. 26380 § 1; passed  
Mar. 16, 1999: Ord. 25560 § 1; passed Aug. 23,  
1994: Ord. 15742 § 9; passed Nov. 13, 1956)

**Chapter 2.02**

**BUILDING CODE**

*(Repealed and Reenacted by Ord. 27629, passed  
Jun. 26, 2007)*

Sections:

- 2.02.010 Adoption of International Building, Residential, and Existing Building Codes.
- 2.02.020 Title.
- 2.02.030 Flood plain.
- 2.02.040 International Plumbing Code.
- 2.02.050 Amendment by deletion from the 2006 IBC.
- 2.02.060 General amendments.
- 2.02.070 Washington State Building Code Council amendments deleted from the City of Tacoma Adoption of the 2006 IBC.
- 2.02.080 Washington State Building code Council amendments.
- 2.02.085 Amendment to IBC Section 102.4 – Referenced Codes and Standards.
- 2.02.090 Amendment to IBC Section 105.2 – Work Exempt From Permit.
- 2.02.100 Amendment to IBC Section 105.5 – Expiration.
- 2.02.110 Amendment to IBC Section 106.3.4 – Design Professional in Responsible Charge.
- 2.02.120 Amendment to Section 112 – Board of Appeals.
- 2.02.130 Amendment to IBC Section 113 – Violations.
- 2.02.140 Amendment by addition of a new IBC Section 116 – Certificate of Completion..
- 2.02.160 Amendment to IBC Section 403.12 – Stairway Door Operation.
- 2.02.170 Amendment to Table 503 – Allowable Height and Building Areas.
- 2.02.180 Amendment to IBC Section 504.2 – Automatic Sprinkler System Increase.
- 2.02.190 Amendment to IBC Section 509.2 Group A, Group B, Group M, Group R and Group S-2 Enclosed or Open Parking Garage with A, B, M, R, or S above.
- 2.02.200 Amendment to IBC Section 707.14.2 – Enclosed Elevator Lobby Pressurization Alternative.

**CP 335-350**



City of Tacoma  
Public Works Department

CERTIFIED MAIL/FIRST CLASS MAIL

May 11, 2004

Paul W. Post  
512 North L Street  
Tacoma, WA 98403

Subject: 713 South 17<sup>th</sup> Street

Dear Mr. Post:

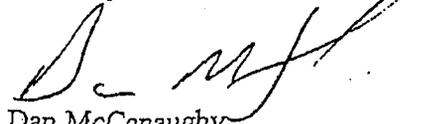
The Building and Land Use Services Division has not received a response to the notification and inspection report, which you received on or about April 6, 2004, regarding the derelict building located at 713 South 17<sup>th</sup> Street. In consequence, a civil citation in the amount of \$125.00 has been assessed (the Civil Infraction Assessment is enclosed). This penalty must be paid and a plan of repair, acceptable to the City, must be submitted within thirty (30) calendar days of receipt of this notice. Failure to do so will result in further penalties in accordance with section 2.01.060 E (3) of the Minimum Building and Structure Code. Appeals shall be filed in accordance with section 2.01.060 E (5 and 6); a copy of the pertinent subsections is enclosed.

Checks or money orders to pay the civil citation shall be made out to the City of Tacoma Treasurer and remitted to:

Code Compliance Office  
Public Works Dept./BLUS Division  
747 Market Street, Suite 345  
Tacoma, WA 98402-3701

If you have any questions concerning submittal of a plan of repair for your property, please contact me at (253) 591-2047.

Sincerely,



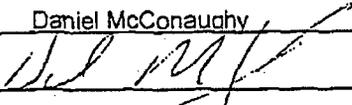
Dan McConaughy  
Building Inspector

DJM/document4

Enclosure(s)

File: 713 South 17<sup>th</sup> Street

## Minimum Building and Structures Code

	City of Tacoma Public Works Department	<b>Civil Infraction Penalty Assessment</b>
Name: <u>Paul W. Post</u>		
Address: <u>512 North L Street</u>		
City: <u>Tacoma</u> State: <u>WA</u> Zip Code: <u>98403</u>		
Violation Date On or About: <u>March 23, 2004</u> Time: _____		
You have failed to correct property conditions identified on Notice of Violation letter dated: <u>March 30, 2004</u> (Case # <u>6000005300</u> )		
<b>Violation of Tacoma Municipal Code Chapter 2.01</b>		
Property Address: <u>713 South 17<sup>th</sup> Street</u>		
<input type="checkbox"/> Substandard Property 2.01.060 (D) <input checked="" type="checkbox"/> Unoccupied or Vacant Building Standards 2.01.090 <input checked="" type="checkbox"/> Derelict Building 2.01.060 (E) <input type="checkbox"/> Rental Registration 2.01.100 <input type="checkbox"/> Dangerous Building 2.01.060 (F)		
Inspector: <u>Daniel McConaughy</u> Date: <u>May 11, 2004</u>		
Signature: 		
Penalty assessment due upon receipt		
<input checked="" type="checkbox"/> 1 <sup>st</sup> = \$125.00 <input type="checkbox"/> 3 <sup>rd</sup> = \$250.00 <input type="checkbox"/> Subsequent Assessments <input type="checkbox"/> 2 <sup>nd</sup> = \$250.00 <input type="checkbox"/> 4 <sup>th</sup> = \$250.00      \$250.00 per day times _____ days Total Assessment: \$ 0.00		
Amount of this Assessment: \$125.00		
Make checks payable to: City Treasurer		
Where to pay: Code Compliance Office/Nuisance Code Penalty City of Tacoma Public Works Dept./BLUS Division 747 Market Street, Suite 345 Tacoma, Washington 98402-3769		
Questions: Phone: (253) 591-5001		
Copies: Certified Mail First Class Mail Inspector File	Assessments 60 days past due are referred to the Collection Agency, such assessments must be Paid to Risk Management Alternatives. Please Contact Them at (253) 927-1614 for payment Arrangements.	
Accounting # 4810-32219-NSN		



**Minimum Building and Structures Code  
Excerpts from Section 2.01.060 E  
Derelict Buildings or Structures**

**3. Owner Notification and Penalties.**

- a. The owner shall be notified that the building, structure, or property has been found to be in violation of this chapter and is Derelict. The owner shall be given 10 calendar days from the receipt of the notice to secure the building, in accordance with Section 2.01.090, Unoccupied or Vacant Building Standards. The notice shall include the standards for securing an unoccupied or vacant building. The owner shall be given 30 calendar days from the receipt of the notice to respond to the Building Official to negotiate a plan of action. In addition, such notification will state that either an Eminent Domain Condemnation proceedings or a Dangerous Building proceedings may be initiated, if there is not a workable plan and schedule submitted or substantial improvement of the property does not occur in substantial compliance with the agreed upon plan and schedule. Such proceedings may result in the loss of the building(s) and property or the demolition of the building(s).
- b. In the event a valid response is not received in the allotted time, a civil penalty or penalties, in accordance with the first penalty assessment in Table F, shall be assessed. These penalties are intended to be only for remedial purposes. A new letter, stating the assessment of penalties, shall be sent in accordance with the procedures set forth above. The owner shall be given 30 calendar days from the receipt of the second letter to respond to the letter, and to negotiate a schedule with the Building and Land Use Services Division for correcting the violations to the satisfaction of the Building Official.
- c. In the event a valid response is not received in the allotted time, an additional civil penalty or penalties, in accordance with the second penalty assessment in Table F, shall be assessed. A new letter, stating the additional assessments of penalties, shall be sent, in accordance with the procedures set forth above. The owner shall be given 14 calendar days from the receipt of the third letter to respond to the letter, and to negotiate a schedule with the Building and Land Use Services Division for correcting the violations to the satisfaction of the Building Official.
- d. In the event a valid response is not received in the allotted time, an additional civil penalty or penalties, in accordance with the third penalty assessment in Table F, shall be assessed. A new letter, stating the additional assessments of penalties, shall be sent in accordance with the procedures set forth above. The owner shall be given 7 calendar days from the receipt of the fourth letter to respond to the letter, and to negotiate a schedule with the Building and Land Use Services Division for correcting the violations to the satisfaction of the Building Official.
- e. In the event a valid response is not received in the allotted time, an additional civil penalty or penalties, in accordance with the Fourth Penalty and Subsequent Assessments in Table F, shall be assessed. A new letter, stating the additional assessments of penalties, shall be sent in accordance with the procedures set forth above. The owner may be issued a civil penalty every calendar day, commencing with the fifth civil penalty issued for failure to respond to the letters requiring the owner to respond, and to negotiate a schedule with the Building and Land Use Services Division for correcting the violations to the satisfaction of the Building Official.
- f. The process described in Subsection (e) above shall be repeated on a regular schedule and may be issued every calendar day until such time as there is a valid response, each time assessing penalties in accordance with the Fourth Penalty and Subsequent Assessments in Table F. In the event that no response is received and penalties

**Excerpt—Section 2.01.060 E Tacoma Municipal Code  
Derelict Buildings or Structures.**

have accumulated in excess of \$1,000, the City shall 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 and all tenants, if different from the owner.

- g. Penalties shall be billed to the owner. Penalties unpaid after 60 calendar days shall be referred to a collection agency, approved by the City of Tacoma, for collection.

**4. Response to Notification.**

The response to the City shall be the development of a written schedule for repairing the building, jointly agreed upon by the owner and the City. The schedule shall include:

- a. Time for developing and submitting acceptable construction plans, specifications, and calculations for the repair of the building or structure, in accordance with the provisions of Subsection 7, Buildings Declared Derelict.
- b. Time for actually repairing the building or structure once a building permit has been issued. Such time line may include intermediate progress goals, as appropriate.

Once an acceptable schedule has been determined and agreed to, construction plans, specifications, and calculations for the repair of the building or structure shall be developed and submitted to the City for approval with the time limits set by the schedule. Once the plans and specifications have been approved for permit, the permit shall be obtained within 14 calendar days of notification that the permit is ready. The work authorized by the permit shall proceed according to a schedule jointly agreed upon by the owner and the City, verified by inspection. Such schedule shall comply with the Building Code provisions governing the expiration of permits.

**EXCEPTIONS:**

1. The Building Official may agree, for sufficient reason, to accept an alternate time schedule for the repair of the building.
2. The Building Official may grant extensions to the time schedule for sufficient reasons on written request. Such requests must be filed with the Building Official prior to the deadlines set for the completion of the construction.

If, in the event, after the initial contact, any of the following occur:

- a. the owner and the City cannot agree upon a schedule, or
- b. the owner does not submit plans and specifications for approval, according to the schedule, for the repair of the building, or
- c. the owner fails to obtain the permits in a timely manner when they are ready to be issued, or
- d. the owner fails to start repairs, or
- e. the owner, once having started repairs, fails to meet intermediate progress goals,

The Building and Land Use Services Division shall notify the owner of non-compliance, by first-class mail and by certified mail, return receipt requested, and assess penalties in accordance with Table F. This procedure shall be repeated in accordance with Subsection 3 above (Owner Notification and Penalties) until progress, satisfactory to the Building Official, is made. In the event that the owner does not respond to the notices and penalties have accumulated in excess of \$1,000, the City shall 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 and all tenants, if different from the owner.

**Excerpt—Section 2.01.060 E Tacoma Municipal Code  
Derelict Buildings or Structures.**

At each inspection of the property, the violations shall be reassessed and the status of the action shall either remain in the present category or shifted to the Dangerous Building category of enforcement if violations listed in Table E, Dangerous Buildings or Structures, are present. Once an enforcement action is undertaken, it shall be continued until all outstanding violations have been corrected.

Once the building, structure, and property violations have been corrected to the satisfaction of the Building Official, the case shall be closed and, if appropriate, a final report relative to the action placed in the City's files, and any Certificates of Complaint filed with the Pierce County Auditor against the title of the property shall be removed by the City on payment of any assessed penalties and any costs incurred by the City for securing the property.

**5. Reviews by the Building Official.**

- a. **General.** A person, firm, or corporation to whom a Notice of Violation for a Derelict Building(s), or a civil penalty, pursuant thereof, may request an administrative review of the Notice of Violation for a Derelict Building(s) or for the first civil penalty assessed pursuant to enforcement.
- b. **How to Request Administrative Review.** A person, firm, or corporation may request an administrative review of the Notice of Violation for a Derelict Building(s) or the first civil penalty assessed, by filing a written request with the Building and Land Use Services Division of the Department of Public Works within 30 calendar days of the first notification date of violations or the notification date of the first assessed penalty to the Building Official. The request shall state in writing the reasons the Building Official should review the Notice of Violation or the issuance of the civil penalty. Failure to state the basis for the review in writing shall be cause for dismissal of the review. Upon receipt of the request for administrative review, the Building Official shall review the information provided.
- c. **Decision of Building Official.** After considering all of the information provided, including information from the code enforcement officer and the City Attorney, or his/her designee, the Building Official shall determine whether a violation has occurred, and shall affirm, vacate, suspend, or modify the Notice of Violation for the 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 and by certified mail, return receipt requested.

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

Appeals of the Decision resulting from the Building Official's Review shall be made to the Hearing Examiner within 30 calendar days of the receipt of the Building Decision. The Hearing Examiner, upon receipt of a properly filed appeal, shall set a hearing date, and the appellant shall be notified of the hearing date by first-class mail and by certified mail, return receipt requested. Proceedings in regard to appeals filed under this section shall be conducted in accordance with the requirements of *Tacoma Municipal Code 1.23* and *Office of the Hearing Examiner Rules of Procedure for Hearings*. The Hearing Examiner shall issue Findings of Fact and Order, based on the hearing, in writing, delivered to the appellant by first-class mail and by certified mail, return receipt requested.

**7. Buildings Declared Derelict.**

When a building or structure, or any aspect of a building or structure, is Derelict and Substandard by the definitions set forth in Section 2.01.050, Table B, Table C, and Table D of this chapter, those aspects which were declared Derelict and Substandard shall be repaired to the minimum building requirements set forth in Section 2.01.070, and the minimum standards of repair set forth in Section 2.01.080 of this chapter, as directed by the Building Official.

Excerpt—Section 2.01.060 E Tacoma Municipal Code  
Derelict Buildings or Structures.

**8. Alternate Procedures.**

Where Derelict Building Proceedings undertaken against a property have extended over 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 of the two following procedures to mitigate the Derelict Status of the Building:

- a. **Procure the Property through Eminent Domain:** Where the property undergoing the Derelict Building Procedure is of sufficient value to be repairable the Building Official may obtain the property through eminent domain, pursuant to the provisions of the Revised Code of Washington (RCW) 35.80A.
- b. **Start Dangerous Building Proceedings:** Where the property undergoing the Derelict Building Procedure is in a state where it is more economical to demolish the building(s) on the property the Building Official may initiate Dangerous Building Proceedings pursuant to Section 2.01.060 F, and Table E of this code.

**TABLE F  
PENALTIES**

Penalty Assessment	Penalty Amount
First Penalty Assessment	\$125.00
Second Penalty Assessment	\$250.00
Third Penalty Assessment	\$250.00
Fourth Penalty Assessment and Subsequent Assessments	\$250.00



City of Tacoma  
Public Works Department

CERTIFIED MAIL/FIRST CLASS MAIL

August 30, 2004

Paul W. Post  
512 North L Street  
Tacoma, WA 98403

Subject: 713 South 17<sup>th</sup> Street

The Building and Land Use Services Division has inspected the premises at 713 South 13<sup>th</sup> Street on August 27, 2004 to verify the compliance with the plan approved on May 28, 2004 for correcting the violations, which make the building derelict and not in compliance with the Minimum Building and Structures Code. The work that was scheduled to be completed has not been performed. Therefore, a penalty of \$250.00 has been assessed. This penalty must be paid within thirty (30) calendar days of the receipt of this Notice, and the work agreed upon, performed within fourteen (14) calendar days of the receipt of this Notice. Failure to do so will result in further penalties being assessed.

Checks or money orders to pay the civil citation shall be made out to the City of Tacoma Treasurer and remitted to:

Code Compliance Office  
Public Works Dept./BLUS Division  
747 Market Street, Suite 345  
Tacoma, WA 98402-3701

If you have any questions concerning submittal of a plan of repair for your property, please contact me at (253) 591-2047.

Sincerely,



Dan McConaughy  
Building Inspector

DJM/document2

File: 713 South 17<sup>th</sup> Street

# Minimum Building and Structures Code



City of Tacoma  
Public Works Department

## Civil Infraction Penalty Assessment

Name: Paul W. Post

Address: 512 North L Street

City: Tacoma State: WA Zip Code: 98403

Violation Date Time  
On or About: March 23, 2004

You have failed to correct property conditions identified on Notice of Violation letter dated: May 11, 2004 (Case # 6000005300)

~~Violation of Tacoma Municipal Code Chapter 2.01~~

Property Address: 713 South 17<sup>th</sup> Street

- |   |              |  |          |
|---|--------------|--|----------|
| <input type="checkbox"/> Substandard Property         | 2.01.060 (D) | <input type="checkbox"/> Unoccupied or Vacant Building Standards | 2.01.090 |
| <input checked="" type="checkbox"/> Derelict Building | 2.01.060 (E) | <input type="checkbox"/> Rental Registration                     | 2.01.100 |
| <input type="checkbox"/> Dangerous Building           | 2.01.060 (F) |  |          |

Inspector: Daniel McConaughy Date: August 30, 2004

Signature: *[Handwritten Signature]*

**Penalty assessment due upon receipt**

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> 1 <sup>st</sup> = \$125.00            | <input type="checkbox"/> 3 <sup>rd</sup> = \$250.00 | <input type="checkbox"/> Subsequent Assessments |
| <input checked="" type="checkbox"/> 2 <sup>nd</sup> = \$250.00 | <input type="checkbox"/> 4 <sup>th</sup> = \$250.00 | \$250.00 per day times <u>      </u> days       |
| Total Assessment: \$ 0.00                                      |   |   |

Amount of this Assessment: **\$250.00**

Make checks payable to: **City Treasurer**

Where to pay: Code Compliance Office/Nuisance Code Penalty  
City of Tacoma  
Public Works Dept./BLUS Division  
747 Market Street, Suite 345  
Tacoma, Washington 98402-3769

Questions: Phone: (253) 591-5001

Copies:  
Certified Mail  
First Class Mail  
Inspector  
File

Assessments 60 days past due are referred to the Collection Agency, such assessments must be Paid to Risk Management Alternatives. Please Contact Them at (253) 927-1614 for payment Arrangements.



Accounting # 4810-32219-NSN



City of Tacoma  
Public Works Department

**CERTIFIED MAIL/FIRST CLASS MAIL**

October 6, 2004

Paul W. Post  
512 North L Street  
Tacoma, WA 98403

Subject: 713 South 17<sup>th</sup> Street

The Building and Land Use Services Division has inspected the premises at 713 South 17<sup>th</sup> Street on October 4, 2004 to verify the compliance with the plan approved on May 28, 2004 for correcting the violations, which make the building derelict and not in compliance with the Minimum Building and Structures Code. The work that was scheduled to be completed has not been performed. Therefore, a penalty of \$250.00 has been assessed. This penalty must be paid within thirty (30) calendar days of the receipt of this Notice, and the work agreed upon, performed within seven (7) calendar days of the receipt of this Notice. Failure to do so will result in further penalties being assessed.

Checks or money orders to pay the civil citation shall be made out to the City of Tacoma Treasurer and remitted to:

Code Compliance Office  
Public Works Dept./BLUS Division  
747 Market Street, Suite 345  
Tacoma, WA 98402-3701

If you have any questions concerning submittal of a plan of repair for your property, please contact me at (253) 591-2047.

Sincerely,

Dan McConaughy  
Building Inspector

DJM/document4

File: 713 South 17<sup>th</sup> Street

# Minimum Building and Structures Code

 Tacoma	City of Tacoma Public Works Department	<h2>Civil Infraction Penalty Assessment</h2>
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Name: Paul W. Post

Address: 512 North L Street

City: Tacoma State: WA Zip Code: 98403

Violation Date Time  
 On or About: March 23, 2004

You have failed to correct property conditions identified on Notice of Violation letter dated: August 30, 2004 (Case # 6000005300)

**Violation of Tacoma Municipal Code Chapter 2.01**

Property Address: 713 South 17<sup>th</sup> Street

- |  |   |
|--|---|
| <input type="checkbox"/> Substandard Property: 2.01.060 (D)        | <input type="checkbox"/> Unoccupied or Vacant Building Standards 2.01.090 |
| <input checked="" type="checkbox"/> Derelict Building 2.01.060 (E) | <input type="checkbox"/> Rental Registration 2.01.100                     |
| <input type="checkbox"/> Dangerous Building 2.01.060 (F)           |   |

Inspector: Dartel McConaughy Date: October 6, 2004

Signature: *[Handwritten Signature]*

Penalty assessment due upon receipt

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> 1 <sup>st</sup> = \$125.00 | <input checked="" type="checkbox"/> 3 <sup>rd</sup> = \$250.00 | <input type="checkbox"/> Subsequent Assessments |
| <input type="checkbox"/> 2 <sup>nd</sup> = \$250.00 | <input type="checkbox"/> 4 <sup>th</sup> = \$250.00            | \$250.00 per day times <u>    </u> days         |
| Total Assessment: \$ 0.00                           |  |   |

Amount of this Assessment: **\$250.00**

Make checks payable to: City Treasurer

**Where to pay:** Code Compliance Office/Nuisance Code Penalty  
 City of Tacoma  
 Public Works Dept./BLUS Division  
 747 Market Street, Suite 345  
 Tacoma, Washington 98402-3769

**Questions:** Phone: (253) 591-5001

Copies:  
 Certified Mail  
 First Class Mail  
 Inspector  
 File

Assessments 60 days past due are referred to the Collection Agency, such assessments must be Paid to Risk Management Alternatives. Please Contact Them at (253) 927-1614 for payment Arrangements.



Accounting # 4810-32219-NSN



City of Tacoma  
Public Works Department

**CERTIFIED MAIL/FIRST CLASS MAIL**

November 2, 2004

Paul W. Post  
512 North L Street  
Tacoma, WA 98403

Subject: 713 South 17<sup>th</sup> Street

The Building and Land Use Services Division has inspected the premises at 713 South 17<sup>th</sup> Street on October 28, 2004 to verify the compliance with the plan approved on May 28, 2004 for correcting the violations, which make the building derelict and not in compliance with the Minimum Building and Structures Code. The work that was scheduled to be completed has not been performed. Therefore, a penalty of \$250.00 has been assessed. This penalty must be paid within thirty (30) calendar days of the receipt of this Notice, and the work agreed upon, performed within seven (7) calendar days of the receipt of this Notice. Failure to do so will result in further penalties being assessed.

Checks or money orders to pay the civil citation shall be made out to the City of Tacoma Treasurer and remitted to:

Code Compliance Office  
Public Works Dept./BLUS Division  
747 Market Street, Suite 345  
Tacoma, WA 98402-3701

If you have any questions concerning submittal of a plan of repair for your property, please contact me at (253) 591-2047.

Sincerely,

Dan McConaughy  
Building Inspector

DJM/document4

File: 713 South 17<sup>th</sup> Street

# Minimum Building and Structures Code



City of Tacoma  
Public Works Department

## Civil Infraction Penalty Assessment

Name: Paul W. Post

Address: 512 North L Street

City: Tacoma State: WA Zip Code: 98403

Violation Date March 23, 2004 Time \_\_\_\_\_  
On or About:

You have failed to correct property conditions identified on Notice of Violation letter dated: October 6, 2004 (Case # 60000005300)

~~Violation of Tacoma Municipal Code Chapter 2.01~~

Property Address: 713 South 17<sup>th</sup> Street

- |   |              |  |          |
|---|--------------|--|----------|
| <input type="checkbox"/> Substandard Property         | 2.01.060 (D) | <input type="checkbox"/> Unoccupied or Vacant Building Standards | 2.01.090 |
| <input checked="" type="checkbox"/> Derelict Building | 2.01.060 (E) | <input type="checkbox"/> Rental Registration                     | 2.01.100 |
| <input type="checkbox"/> Dangerous Building           | 2.01.060 (F) |  |          |

Inspector: Daniel McConaughy Date: November 2, 2004

Signature: *D. McConaughy*

**Penalty assessment due upon receipt**

- |   |  |   |  |
|---|--|---|--|
| <input type="checkbox"/> 1 <sup>st</sup> = \$125.00 | <input type="checkbox"/> 3 <sup>rd</sup> = \$250.00            | <input type="checkbox"/> Subsequent Assessments |  |
| <input type="checkbox"/> 2 <sup>nd</sup> = \$250.00 | <input checked="" type="checkbox"/> 4 <sup>th</sup> = \$250.00 | \$250.00 per day times _____ days               |  |
|   |  | Total Assessment: \$ 0.00                       |  |

Amount of this Assessment: **\$250.00**

Make checks payable to: **City Treasurer**

Where to pay: Code Compliance Office/Nuisance Code Penalty  
City of Tacoma  
Public Works Dept./BLUS Division  
747 Market Street, Suite 345  
Tacoma, Washington 98402-3769

Questions: Phone: (253) 591-5001

Copies:  
Certified Mail  
First Class Mail  
Inspector  
File

Assessments 60 days past due are referred to the Collection Agency, such assessments must be Paid to Risk Management Alternatives. Please Contact Them at (253) 927-1614 for payment Arrangements.



Accounting # 4810-32219-NSN

Important Reminders:  
■ Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.  
■ Certified Mail is not available for any class of International mail.  
■ NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For values, please consider insured or Registered Mail.  
■ For an additional fee, a Return Receipt may be requested to receive delivery. To obtain Return Receipt, please request it at the time of purchase.



City of Tacoma  
Public Works Department

**CERTIFIED MAIL/FIRST CLASS MAIL**

December 1, 2004

Paul W. Post  
512 North L Street  
Tacoma, WA 98403

Subject: 713 South 17<sup>th</sup> Street

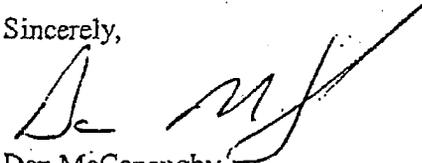
The Building and Land Use Services Division has inspected the premises at 713 South 17<sup>th</sup> Street on November 23, 2004 to verify the compliance with the plan approved on May 28, 2004 for correcting the violations, which make the building derelict and not in compliance with the Minimum Building and Structures Code. ~~The work that was scheduled to be completed has not been performed. Therefore, a penalty of \$250.00 has been assessed. This penalty must be paid~~ within thirty (30) calendar days of the receipt of this Notice, and the work agreed upon, performed within seven (7) calendar days of the receipt of this Notice. Failure to do so will result in further penalties being assessed.

Checks or money orders to pay the civil citation shall be made out to the City of Tacoma Treasurer and remitted to:

Code Compliance Office  
Public Works Dept./BLUS Division  
747 Market Street, Suite 345  
Tacoma, WA 98402-3701

If you have any questions concerning submittal of a plan of repair for your property, please contact me at (253) 591-2047.

Sincerely,

  
Dan McConaughy  
Building Inspector

DJM/document2

File: 713 South 17<sup>th</sup> Street

Minimum Building and Structures



City of Tacoma  
Public Works Department

**Civil Infraction  
Penalty Assessment**

Name: Paul W. Post

Address: 512 North L Street

City: Tacoma State: WA Zip Code: 98403

Violation Date Time  
On or About: March 23, 2004 :

You have failed to correct property conditions identified on Notice of Violation letter dated: November 2, 2004 (Case # 60000005300)

~~Violation of Tacoma Municipal Code Chapter 2.01~~

Property Address: 713 South 17<sup>th</sup> Street

- |   |              |  |          |
|---|--------------|--|----------|
| <input type="checkbox"/> Substandard Property         | 2.01.060 (D) | <input type="checkbox"/> Unoccupied or Vacant Building Standards | 2.01.090 |
| <input checked="" type="checkbox"/> Derelict Building | 2.01.060 (E) | <input type="checkbox"/> Rental Registration                     | 2.01.100 |
| <input type="checkbox"/> Dangerous Building           | 2.01.060 (F) |  |          |

Inspector: Daniel McConaughy Date: December 1, 2004

Signature: *[Handwritten Signature]*

**Penalty assessment due upon receipt**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> 1 <sup>st</sup> = \$125.00 | <input type="checkbox"/> 3 <sup>rd</sup> = \$250.00 | <input checked="" type="checkbox"/> Subsequent Assessments |
| <input type="checkbox"/> 2 <sup>nd</sup> = \$250.00 | <input type="checkbox"/> 4 <sup>th</sup> = \$250.00 | \$250.00 per day times <u>1</u> days                       |
| Total Assessment: \$ 250.00                         |   |  |

**Amount of this Assessment: \$250.00**

**Make checks payable to: City Treasurer**

**Where to pay:** Code Compliance Office/Nuisance Code Penalty  
City of Tacoma  
Public Works Dept./BLUS Division  
747 Market Street, Suite 345  
Tacoma, Washington 98402-3769

**Questions:** Phone: (253) 591-5001

Copies:  
Certified Mail  
First Class Mail  
Inspector  
File

Assessments 60 days past due are referred to the Collection Agency, such assessments must be Paid to Risk Management Alternatives. Please Contact Them at (253) 927-1614 for payment Arrangements.



Accounting # 4810-32219-NSN



City of Tacoma  
Public Works Department

**CERTIFIED MAIL/FIRST CLASS MAIL**

January 5, 2005

Paul W. Post  
512 North L Street  
Tacoma, WA 98403

Subject: 713 South 17<sup>th</sup> Street

The Building and Land Use Services Division has inspected the premises at 713 South 17<sup>th</sup> Street on December 23, 2004 to verify the compliance with the plan approved on May 28, 2004 for correcting the violations, which make the building derelict and not in compliance with the Minimum Building and Structures Code. ~~The work that was scheduled to be completed has not been performed. Therefore, a penalty of \$1,250.00 has been assessed. This penalty must be paid~~ within thirty (30) calendar days of the receipt of this Notice, and the work agreed upon, performed within seven (7) calendar days of the receipt of this Notice. Failure to do so will result in further penalties being assessed.

Checks or money orders to pay the civil citation shall be made out to the City of Tacoma Treasurer and remitted to:

Code Compliance Office  
Public Works Dept./BLUS Division  
747 Market Street, Suite 345  
Tacoma, WA 98402-3701

If you have any questions concerning submittal of a plan of repair for your property, please contact me at (253) 591-2047.

Sincerely,

Dan McConaughy  
Building Inspector

DJM/document10

File: 713 South 17<sup>th</sup> Street

# Minimum Building and Structures Code



City of Tacoma  
Public Works Department

## Civil Infraction Penalty Assessment

Name: Paul W. Post

Address: 512 North L Street

City: Tacoma State: WA Zip Code: 98403

Violation Date: March 23, 2004 Time: \_\_\_\_\_  
On or About:

You have failed to correct property conditions identified on Notice of Violation letter dated: December 1, 2004 (Case # 6000005300)

~~Violation of Tacoma Municipal Code Chapter 2.01~~

Property Address: 713 South 17<sup>th</sup> Street

- |   |                |   |            |
|---|----------------|---|------------|
| <input type="checkbox"/> Substandard Property         | : 2.01.060 (D) | <input checked="" type="checkbox"/> Unoccupied or Vacant Building Standards | : 2.01.090 |
| <input checked="" type="checkbox"/> Derelict Building | : 2.01.060 (E) | <input type="checkbox"/> Rental Registration                                | : 2.01.100 |
| <input type="checkbox"/> Dangerous Building           | : 2.01.060 (F) |   |            |

Inspector: Daniel McConaughy Date: January 5, 2005

Signature: *[Handwritten Signature]*

**Penalty assessment due upon receipt**

- |   |   |  |                               |
|---|---|--|-------------------------------|
| <input type="checkbox"/> 1 <sup>st</sup> = \$125.00 | <input type="checkbox"/> 3 <sup>rd</sup> = \$250.00 | <input checked="" type="checkbox"/> Subsequent Assessments | \$250.00 per day times 5 days |
| <input type="checkbox"/> 2 <sup>nd</sup> = \$250.00 | <input type="checkbox"/> 4 <sup>th</sup> = \$250.00 | Total Assessment: \$ 1250.00                               |                               |

**Amount of this Assessment: \$1,250.00**

**Make checks payable to: City Treasurer**

**Where to pay:** Code Compliance Office/Nuisance Code Penalty  
City of Tacoma  
Public Works Dept./BLUS Division  
747 Market Street, Suite 345  
Tacoma, Washington 98402-3769

**Questions:** Phone: (253) 591-5001

Copies:  
Certified Mail  
First Class Mail  
Inspector  
File

Assessments 60 days past due are referred to the Collection Agency, such assessments must be Paid to Risk Management Alternatives. Please Contact Them at (253) 927-1614 for payment Arrangements.



Accounting # 4810-32219-NSN