

**SUBSTITUTE  
ORDINANCE NO. 27451**

BY REQUEST OF COUNCIL MEMBER TALBERT

AN ORDINANCE relating to the street occupancy fees; and amending Chapter 9.08 of the Tacoma Municipal Code by amending Section 9.08.075 thereof.

WHEREAS Chapter 9.08 of the Tacoma Municipal Code has not been updated since 1983, and the associated fee schedule has not been updated since 1978, and

WHEREAS the proposed fee schedule includes increases in administrative fees to better cover the actual costs involved in administering the permit program, and

WHEREAS this amendment establishes a use fee for commercial uses of the street rights-of-way, and

WHEREAS the City Council finds that sidewalk cafes are a class of street occupancy that is particularly beneficial to the vibrancy and economy of the City's business districts and should, therefore, enjoy favorable treatment to encourage their existence, and

WHEREAS, in addition to increasing fees, these amendments will apply uniformly City-wide, and

WHEREAS street occupancy permit fees are currently authorized for subsurface uses City-wide, but such fees for surface uses apply only in the Shoreline Districts, and

WHEREAS the City Council's Environment and Public Works Standing Committee has considered the proposed amendments and has given a "do pass" recommendation, and

WHEREAS it is in the best interests of the health, welfare, and safety of the citizens of Tacoma to implement this ordinance; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 9.08.075 of the Tacoma Municipal Code is hereby amended to read as follows:

**9.08.075 Fees.**

The City Council hereby authorizes the fees for street occupancy permits set forth in the schedule below, and all previously adopted fee schedules are hereby rescinded, except that the existing fee schedule for Shoreline Districts shall remain in effect until superseded by an alternative use fee as referenced in Section 3 below. Application and renewal fees are established commensurate with the costs of administration involved in the issuance and continuance of the permits. Use fees are established for commercial uses of the street rights-of-way, and are payable in addition to the application and renewal fees. Sidewalk cafes are recognized as a special street occupancy that promotes desirable street life that can have favorable economic impact by encouraging visitation to City business districts and result in patronage of its businesses. Since sidewalk cafes are encouraged, street occupancy permit fees for sidewalk cafes are given favorable consideration.

Street occupancy permit fees shall be collected by the Director of Finance, and payment of said fees is a condition of the issuance and continuance of any such permit. In order to effectuate the ongoing collection of said fees, holders of permits shall be notified by the City a minimum of one month in advance, to pay applicable fees or the permit will be revoked. All fees collected pursuant to this chapter shall be deposited in the General Fund.

**SCHEDULE OF  
STREET OCCUPANCY PERMIT FEES**

ADMINISTRATIVE FEES

<b>General Application Fee</b> (includes processing, initial inspection, review, document preparation)	\$320
<b>Sidewalk Café – Application Fee*</b> (includes processing, initial inspection, review, document preparation)	\$120
<b>Annual Renewal Fee</b> (includes site inspection for compliance, file review, insurance review and application of fee escalators/adjustments as required)	\$90

\*This reduced fee is designed to encourage this use, which the City finds promotes economic development and revitalization of its business districts.

GENERAL ANNUAL USE FEES

<b>Commercial Occupancy - Exclusive Use</b> (based on square footage occupied)	10% of Assessed Land Value**
<b>Commercial Occupancy - Non-exclusive Use</b> (based on square footage occupied)	5% of Assessed Land Value**
<b>Subsurface Use</b> (based on square footage occupied)	2.5% of Assessed Land Value**
<b>Minimum Annual Fee</b> (for commercial occupancies)	\$120
<b>Sidewalk Cafés</b> (subject to annual renewal fee only – annual permit to be posted onsite)	None
<b>Non-Commercial Occupancy</b> (subject to annual renewal fee only)	None

\*\*Assessed Land Value is abstracted from the Pierce County Assessor’s property tax assessment for the entire property excluding improvement (building) value. The

land value used is that of the property abutting the street occupancy area except in any case where the assessment of the abutting property is inconsistent with other, comparable properties in the vicinity. In such a case, the City may adjust the assessed value for the purpose of setting fees for street occupancies.

SPECIFIC USE FEES

Signs – Annual Fee

Commercial	\$600
Non-Commercial (directional signs or similar)	\$75

Monitoring Wells – Annual Fee

One well	\$175
Each additional well	\$150

Subsurface Structural Supports – One-Time Fee (per location)

Soldier Beams	\$700
Soil Nails	\$700
Tie-Backs	\$700

Section 2. Except as provided for in Section 3 below, this ordinance shall have an effective date of April 1, 2006, provided however, that General Use Fees calculated as a percentage of assessed value shall take effect in three phases. During the first year, beginning April 1, 2006, General Annual Use Fees shall be applied at a rate of 33 percent of the calculated use fee; in the second year, beginning January 1, 2007, General Annual Use Fees shall be applied at a rate of 67 percent of the calculated use fee; and in the third year, beginning January 1, 2008, all General Annual Use Fees shall be applied at 100 percent; however, in no event shall any General Use Fee be less than the set minimum of \$120. General Annual Use Fees for new Street Occupancy Permits that are in excess of \$120 shall be prorated in the first

year to a renewal date of January 1st; however, in no event shall any General Use Fee be less than the set minimum of \$120.

Section 3. The new use fees provided for in Section 1 above shall not apply to street occupancies in the Shoreline Districts until an alternative use fee formula is developed that recognizes the unique characteristics of the non-exclusive parking uses within the rights-of-way of the Shoreline Districts. Said additional use fee formula shall be developed no later than June 30, 2006.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form and legality:

\_\_\_\_\_  
Assistant City Attorney