

TITLE 12

Utilities

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UTILITIES

Chapters¹:

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Chapter 12.01
UTILITY CHARGES

Sections:

- 12.01.010 Utility services establishment.
- 12.01.020 Utility field collection call.
- 12.01.030 Invoicing an late payment fee.
- 12.01.040 Residential conservation loan program charges – Light Division.

12.01.010 Utility services establishment.

A utility service establishment charge shall be imposed for each customer's service order for all utilities provided by the City of Tacoma as set forth below:

A. A utility service establishment charge shall be paid by each utility customer at the time of the service request. The charge includes turn-on and turn-off services if required. The establishment charge shall be as indicated in the table below for each service:

Power (metered)	\$10.50
Water (metered)	\$6.10
Solid Waste	\$3.00
Wastewater	\$1.00
Surface Water	\$1.00

Such utility service establishment charge will be allocated to, and recorded as revenue for City tax purposes by each utility providing service.

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B. Adjustments. A service charge shall be paid by each utility customer if a field call is required to adjust service to a new or different type of service or rate, or for turn-off or turn-on of service. For purposes of this chapter, normal City business hours means 8:00 a.m. to 5:00 p.m., Monday through Friday, except City recognized holidays. The service charge shall be the sum of the following applicable fees:

1. \$10.00 for collection or disconnection for nonpayment.
2. \$12.00 for service connection during normal City business hours.
3. \$60.00 for turn-on or turn-off during all other hours.
4. Plus an additional \$35.00 if a pole or vault cut-in or termination is necessary.
5. \$6.00 for failure to appear for utility turn-on.
6. \$20.00 for self cut-in.
7. \$5.00 for verification of meter reading at the customer's request after second reading within 12 consecutive months.
8. \$5.00 for lock-out during a reasonable attempt to read a meter.
9. \$5.00 for service provided to prepare information for collection on accounts closed over 30 days.
10. \$10.00 for service provided to prepare information for bankruptcy administration.

Such adjustment charges will be allocated to and recorded as revenue for City tax purposes by each utility providing service.

C. Reconnection fees resulting from delinquency cut-offs shall be as follows:

1. \$12.00 during normal City business hours and \$60.00 during all other hours.
2. \$40.00 for a pole reconnection during normal City business hours and \$65.00 for a pole reconnection during all other hours.
3. \$75.00 for a URD reconnection during normal City business hours.
4. No URD reconnection after normal City business hours.

Such reconnection fees will be allocated to and recorded as revenue for City tax purposes by each utility providing service.

(Ord. 27137 § 1; passed Sep. 9, 2003: Ord. 27025 § 1; passed Dec. 10, 2002: Ord. 26076 § 1; passed Jun. 3, 1997: Ord. 24965 § 1; passed Aug. 27, 1991: Ord. 23337 § 6; passed Sept. 10, 1985)

12.01.020 Utility field collection call.

A charge of \$10.00 shall be imposed on the customer when a field call is necessary to collect or results from a delinquent utility bill, not-sufficient fund check, deposit, dishonored credit card, debit card, or Automated Clearing House (ACH) payment request and/or a delinquent residential energy conservation loan payment. The utility field collection call charge will be allocated to, and recorded as revenue for City tax purposes by, each utility providing service in the same ratio as Department credit and collection costs.

(Ord. 27025 § 2; passed Dec. 10, 2002: Ord. 24965 § 2; passed Aug. 27, 1991: Ord. 23337 § 6; passed Sept. 10, 1985)

12.01.030 Invoicing and late payment fee.

A. Invoices for City utility services may be issued by mail and/or electronic means. Any invoice shall be deemed issued on the date it is deposited in the United States Post Office with postage paid and/or electronically made available by Customer Services for customer review, and such methods of issuance shall be evidence of receipt of the invoice by a customer.

B. A late payment fee will be assessed for delinquent utility account invoices(s) for City residential utility customers, the late payment fee will be assessed on each invoice that is not paid in full within 30 days from the date issued. For all other City utility customers the late payment fee will be assessed on each invoice that is not paid in full within 24 days from the date the invoice is issued. The late payment fee shall be as follows:

Utility Amount Balance	Late Payment Fee
\$0 - \$9.99	\$0
\$10.00 and over	1% of balance with a \$3.00 minimum

After the initial delinquency and failure to pay, the late payment fee shall compound on a monthly basis at the above-stated rate or 1 percent per month, whichever is more. The fee will be assessed on the past due balance, and each utility will receive the portion assessed for its past due balance.

The late payment fee will be allocated to, and recorded as revenue for City tax purposes by each utility providing service.

C. The Director of Utilities is authorized to waive the late payment charges under the following circumstances:

1. Residential utility customer who (1) qualifies as low income, (2) receives supplemental security income, or (3) is disabled and receives federal or state funds pursuant to the criteria set forth in TMC Section 12.06.165; or
2. If the customer is a public agency or Indian Tribe that, due to governmental or similar processing delays, has substantial difficulty in paying accounts within 30 days.

(Ord. 28160 Ex. A; passed July 9, 2013; Ord. 27025 § 3; passed Dec. 10, 2002: Ord. 24965 § 3; passed Aug. 27, 1991: Ord. 23337 § 6; passed Sept. 10, 1985)

12.01.040 Residential conservation loan program charges – Light Division.

A. Late Payment Charge. A customer who fails to make full payment of any scheduled payment due for his or her Light Division (d.b.a. Tacoma Power) residential weatherization loan within 48 hours of delivery of a Disconnect Notice shall be assessed a late payment charge of \$25.00 for each such late payment. This late payment charge shall be in addition to and not mutually exclusive of any other City loan collection remedies including, but not limited to, termination of utility service and/or acceleration of the entire outstanding loan balance.

For City tax purposes, the late payment charge will be allocated to and recorded as revenue of the Department of Public Utilities, Light Division.

B. Document Recording Charge. City Light Division residential weatherization loans shall be secured by a lien against the real estate benefited, and a charge shall be imposed for the costs of recording said lien and/or for recording formal releases of such liens, which charge shall be included in the total repayment amount for the loan. These recording charges shall be equal to the amount established in RCW 36.18.010 currently in effect on the date of loan approval or payoff, as appropriate.

C. Subordination Agreements. In the event the City is requested to subordinate a previously recorded real estate lien securing a customer’s Light Division residential weatherization loan, the following prepayments shall be required as consideration for approval of such request(s):

1. For a customer’s first subordination request, and provided the City’s lien position remains the same, a prepayment amount of \$250.00 shall be collected and accounted toward the outstanding balance of such customer’s weatherization loan balance at

the time of subordination. If the City's lien position is adversely affected by such subordination, an additional prepayment of \$100.00 shall be required;

2. For a customer's second or further request for lien subordination, a prepayment of \$250.00 or 25 percent of the outstanding balance of such customer's residential weatherization loan balance shall be collected at the time of subordination, whichever amount is greater, regardless of a change in the City's lien position. This amount shall be credited toward the customer's weatherization loan balance.

In the event that a customer's residential weatherization loan or electric utility bill payment history is marginal or poor, as determined by the Light Division Superintendent or his or her designee, the City may deny any lien subordination request in its sole discretion and nothing herein shall be construed to mandate approval of such subordination request(s).

(Ord. 27025 § 4; passed Dec. 10, 2002)

Chapter 12.02
FRANCHISES²

Sections:

- 12.02.010 Filing application for franchise.
- 12.02.015 Telecommunication systems, cable systems, and private communication systems.
- 12.02.020 Draft of franchise ordinance.
- 12.02.030 Fee for drafting.
- 12.02.040 Fees to be placed in General Fund.
- 12.02.050 Cost of publishing franchise ordinance.
- 12.02.060 Cost of publishing other ordinances specially benefiting particular persons.
- 12.02.070 Payment of costs is condition precedent.
- 12.02.080 Franchise grantees required to file certain information - Introductory.
- 12.02.090 Information required.
- 12.02.100 Notification of transfer of franchise.
- 12.02.110 Transferee to make report.
- 12.02.120 Clerk to keep records.
- 12.02.130 Violation of Sections 12.08.080 through 12.08.120 inclusive - Penalty.

12.02.010 Filing application for franchise.

Hereafter when any person, firm or corporation shall desire a franchise over any streets, alleys, avenues or public places in the City of Tacoma for any purpose whatsoever, the said applicant shall file with the City Clerk of the City of Tacoma an application for such franchise, designating the route desired to be covered and the uses for which said franchise is desired.

(Ord. 2814 § 1; passed Dec. 27, 1906)

12.02.015 Telecommunication systems, cable systems, and private communication systems.

The provisions of Sections 12.02.010 and 12.02.030 shall not apply to persons required to obtain a franchise or license under Title 16 of this code, and in the event a provision of this chapter conflicts with a provision in Title 16, the provision in Title 16 shall be controlling.

(Ord. 26053 § 2; passed Apr. 15, 1997)

12.02.020 Draft of franchise ordinance.

Said application shall, by the Clerk, be presented to the City Council, and upon the recommendation of the City Council the City Attorney shall draw a franchise covering the routes and uses designated in the application.

(Ord. 2814 § 2; passed Dec. 27, 1906)

12.02.030 Fee for drafting.

The City Attorney shall be allowed to charge and the applicant required to pay a reasonable fee for the drawing of such franchise, but in no event shall said fee exceed the sum of \$1,000.00.

(Ord. 24922 § 1; passed Jun. 11, 1991; Ord. 2814 § 3; passed Dec. 27, 1906)

12.02.040 Fees to be placed in General Fund.

Any fees received by the City Attorney for the drawing of such franchises shall be by him paid to the City Treasurer and placed in the General Fund of said City.

(Ord. 2814 § 4; passed Dec. 27, 1906)

12.02.050 Cost of publishing franchise ordinance.

The grantee or grantees of any franchise or privilege to construct, maintain or operate any railway line, light plant, telephone, telegraph, or other enterprise, in, upon or under any street or streets, or alleys, in the City of Tacoma, before the publication of any ordinance that may hereafter be passed granting any such franchise or privilege, and before the publication of any ordinance that may hereafter be passed altering, amending, enlarging or extending any franchise or privilege heretofore granted, and that may hereafter be granted, shall pay into the City Treasury the cost and expense of publication of such ordinance.

² Specific franchises are not included herein but are on file in the Clerk's office.

(Ord. 1162 § 1; passed Feb. 13, 1897)

12.02.060 Cost of publishing other ordinances specially benefiting particular persons.

Any person or persons to be benefited by the passage of any ordinance other than the granting of a franchise and privileges, as in Section 12.02.050, before the publication of such ordinance, and before the publication of any ordinance that may hereafter be passed, altering, amending, enlarging or extending any ordinance heretofore passed, shall pay to the Treasurer of the City of Tacoma the cost and expense of the publication of such ordinance.

(Ord. 1162 § 2; passed Feb. 13, 1897)

12.02.070 Payment of costs is condition precedent.

The payment of the sums named in Sections 12.02.050 and 12.02.060 shall be deemed a condition precedent to the publication and taking effect of any such ordinance, and such ordinance shall not be published until such payment shall have been made.

(Ord. 1162 § 3; passed Feb. 13, 1897)

12.02.080 Franchise grantees required to file certain information – Introductory.

Any person or persons, firm or corporation which has heretofore received or which may hereafter receive a franchise from the City of Tacoma, for any purpose whatsoever, shall enjoy said franchise subject to the provisions of the following sections.

(Ord. 14214 § 1; passed Jun. 13, 1951)

12.02.090 Information required.

In the month of January of each year between the first and fifteenth days thereof, the owner or owners of each and any franchise granted by the City of Tacoma shall file with the City Clerk, under oath, and upon blanks furnished by said City Clerk, a written (or printed) statement and exhibit setting forth:

- A. The name of the person or persons, firm or corporation owning, holding and enjoying such franchise.
- B. The character of said franchise.
- C. The period of years for which said franchise was granted.
- D. The date of the grant of said franchise.
- E. The name of the person or persons, firm or corporation to whom the same was originally granted.
- F. The date upon which said franchise was transferred to and became the property of the present claimants.
- G. A statement as to whether said claimant or claimants be or are a person, persons, firm or corporation.
- H. The name of the person or persons or the members of the firm claiming to own the same, or, in the case of a corporation, the name of the President, Vice President and the Secretary thereof.
- I. The number of the ordinance or ordinances of the City of Tacoma granting or amending said franchise.

(Ord. 14214 §§ 2, 3; passed Jun. 13, 1951)

12.02.100 Notification of transfer of franchise.

Whenever any parties owning or claiming any franchise shall lease, sell, assign, or otherwise transfer the title or control of the same, they shall notify the City Clerk of the date of such sale and the name of the person or persons, firm or corporation to whom said franchise shall have been leased, sold, assigned or otherwise transferred.

(Ord. 14214 § 4; passed Jun. 13, 1951)

12.02.110 Transferee to make report.

Any person or persons, firm or corporation purchasing or becoming the assignee of any franchise granted in the City of Tacoma shall forthwith and within 10 days after the purchase or assignment of said franchise report the same to the City Clerk in form and in the manner hereinabove prescribed in Section 12.08.090.

(Ord. 14214 § 5; passed Jun. 13, 1951)

12.02.120 Clerk to keep records.

All such statements and reports made as hereinabove provided shall be properly entered in a book kept for that purpose by the City Clerk and shall be subject to like public inspection as are other public records.

(Ord. 14214 § 7; passed Jun. 13, 1951)

12.02.130 Violation of Sections 12.08.080 through 12.08.120 inclusive – Penalty.

Any person or persons, firm or corporation, claiming to own or enjoy any such franchise who shall fail or refuse during the period of 20 days, to comply with the provisions of Sections 12.08.080 through 12.08.120 shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined in any sum not less than \$10.00 nor more than \$300.00 for each and every offense.

(Ord. 14214 § 6; passed Jun. 13, 1951)

Chapter 12.04

COLLECTION OF CHARGES BY AGENTS

Sections:

- 12.04.010 Designation of agents.
- 12.04.020 Duties of agents – Bond.
- 12.04.030 Compensation for making collections.

12.04.010 Designation of agents.

The City Treasurer, with the approval of the City Manager, be and is hereby authorized and empowered to designate and employ the owners or operators of such number of business establishments as he shall deem necessary and desirable, located at convenient points within the City, as agents for the collection at said establishments of the current bills of the various utilities of the City for services due the City on account of light, water, garbage and sewer charges.

(Ord. 15571 § 1; passed Mar. 26, 1956)

12.04.020 Duties of agents – Bond.

The conditions for the employment of any person, firm or corporation designated and employed by the City Treasurer for the purpose set forth in Section 12.04.010 hereof are as follows: coverage shall be required in an amount satisfactory to the City Treasurer as an employee under the blanket fidelity bond which the City now has or may hereafter procure covering other employees of the City and such employees shall pay to the City the actual cost for such individual coverage. All moneys collected or received shall be forwarded with receipted stubs to the Treasurer in sufficient time to insure that the same will be in the Treasurer's Office prior to 9:00 a.m. of the next business day following collection. The agency shall mark each receipt "paid" on the reverse side of the bill, with the date of payment indicated. Any corrections or changes shall not be made except when the customer presents the previous billing showing payment thereof and when so made shall be so indicated on the bill in red pencil marks. Where payments on account are received, the same shall be clearly shown on the billing with definite indication of the service or services to be credited. The agency agrees to indemnify and save harmless the City Treasurer and the City of Tacoma against any loss or damage to the Treasurer or the City resulting from or arising on account of such agency, whether the same shall result from the acts of the agent or from any of the agents or employees thereof.

(Ord. 15571 § 2; passed Mar. 26, 1956)

12.04.030 Compensation for making collections.

There shall be paid by the City Treasurer to any person, firm or corporation appointed in the manner and for the purpose hereabove specified, the sum of \$0.30 for each separate billing collected. The City Treasurer shall charge and collect from the various utilities the cost of making such payments on a pro rata basis, based upon the number of items collected for each utility.

(Ord. 23139 § 1; passed Mar. 27, 1984; Ord. 21938 § 1; passed Dec. 5, 1979; Ord. 19393 § 1; passed Jul. 6, 1971; Ord. 17634 § 1; passed Jun. 23, 1964; Ord. 15571 § 3; passed Mar. 26, 1956)

Chapter 12.05

ELECTRIC ENERGY – OTHER UTILITIES

Sections:

- 12.05.010 Operation for other utilities or consumers authorized.
- 12.05.020 Definitions.
- 12.05.030 Fixed charges.
- 12.05.040 Variable charges.
- 12.05.050 Application of charges.
- 12.05.060 Billing.
- 12.05.070 Termination.

12.05.010 Operation for other utilities or consumers authorized.

The Superintendent, Light Division, Department of Public Utilities, with the approval of the Director of Utilities, is hereby authorized to operate the steam electric plants of the City of Tacoma for other utilities or consumers from time to time as he may determine, provided that such operation for other utilities or consumers does not interfere with the continued effective operation of the electrical system of the City of Tacoma, and providing further, that the charges herein prescribed shall not in any way affect the terms and conditions of the interchange contract with the City of Seattle so long as it is in effect.

(Ord. 15912 § 1; passed Jul. 8, 1957)

12.05.020 Definitions.

“Month” shall mean a calendar month. For computing and prorating monthly charges each month shall be considered as having 30 days.

“Active status” means the period which is started by actively engaging the plant in producing fuel generated power for the user.

“Inactive status” means the period in which the plant is not in operation for producing fuel generated power, but is still being retained by the user.

“kW load” is the power scheduled and delivered to the user. This is the amount of load as requested by the user and will be the amount of load used in the billing.

“Fuel cost” is the actual quoted replacement cost to the City of fuel at the time the fuel was used.

(Ord. 15912 § 2; passed Jul. 8, 1957)

12.05.030 Fixed charges.

A. Inactive Status.

Tacoma Plant No. 1 \$1,500.00 per month

Tacoma Plant No. 2 \$3,000.00 per month

B. Active Status.

Tacoma Plant No. 1 (for all kW loads up to but not more than 9,000 kW), \$2,500.00 per month or \$1.00 per kilowatt per month, whichever is greater.

Tacoma Plant No. 2 (for all kW loads up to but not more than 52,000 kW), \$20,000.00 per month or \$1.00 per kilowatt per month, whichever is greater.

(Ord. 15912 § 3; passed Jul. 8, 1957)

12.05.040 Variable charges.

A. Direct Charges. The user will pay all costs of labor and materials including fuel cost and water for (1) placing the plant in operation from an inactive status, (2) in connection with the operation and ordinary maintenance of the plant, and (3) returning the plant to inactive status after the period of operation. Extraordinary or deferred maintenance, such as replacing refractory material, bearings, reblading or turbines, generator rewinds, or other items that normally would be expected to last more than a year under normal operation will be borne by the owner of the plant.

Labor expense will include the cost of industrial insurance, pensions, etc.

B. Indirect Charges. To each item of expense under direct charges, excluding fuel and water, there will be added 15 percent for administration, such as superintendence, engineering, accounting, etc.

(Ord. 15912 § 4; passed Jul. 8, 1957)

12.05.050 Application of charges.

A. Inactive Status.

1. Upon reservation of the plant, the Inactive Status fixed charge will be charged on a prorated portion for the calendar month.
2. If during any calendar month the plant goes to Active Status, the Inactive Status fixed charge will be prorated for the calendar month.
3. After Active Status and without termination, the Inactive Status charge will only be applied after the end of the particular calendar month and provided the plant does not return to Active Status for one calendar month following thereafter.

B. Active Status.

1. Upon Active Status, the Active Status fixed charge will apply on a prorated basis for the calendar month for the initial demand or any increase thereof for the remainder of the calendar month.
2. Upon return to Inactive Status, the previously established Active Status charge will continue to apply beyond the end of the calendar month in which it was established and through the following calendar month unless the plant remains in an inactive status for that calendar month.
3. During Active Status, the Variable Charges shall be applied in addition to the fixed charges.

C. Scheduled Outages. When scheduled or emergency outages or reductions in capacity effect a reduction in capacity available to the user, the monthly billing for active status, subsection B above, will be prorated for the month of capacity available.

(Ord. 15912 § 5; passed Jul. 8, 1957)

12.05.060 Billing.

Monthly bills will be forwarded as soon as the costs may be determined. Payment shall be made within a reasonable time.

(Ord. 15912 § 6; passed Jul. 8, 1957)

12.05.070 Termination.

A. The City of Tacoma may terminate or reduce the output of the plant or plants for the benefit of the user at any time, with or without advance notice, that the needs of the City's electrical system or obligations to utilities or consumers other than the user may require.

B. The minimum time that the user may reserve or use a plant or plants is one calendar month.

(Ord. 15912 § 7; passed Jul. 8, 1957)

Chapter 12.06

ELECTRIC ENERGY – REGULATIONS AND RATES³

Sections:

- 12.06.010 General application.
- 12.06.020 Definitions.
- 12.06.030 Available voltages.
- 12.06.040 Application for service and contract.
- 12.06.050 Inspection.
- 12.06.060 Equipment and wires.
- 12.06.070 Rearranging lines or equipment.
- 12.06.080 Metering.
- 12.06.090 Connected load.
- 12.06.100 Deposits and connection charges.
- 12.06.110 Billing - Payment of bills and delinquency.
- 12.06.115 Disconnection of electric service.
- 12.06.120 Resale of electric energy prohibited.
- 12.06.130 Diversion of current.
- 12.06.140 Tampering and injury to City equipment.
- 12.06.150 City not liable for damages.
- 12.06.160 Residential service – Schedule A-1. Effective April 1, 2015.
- 12.06.165 Low-income/senior and/or low-income/disabled discount residential service - Schedule A-2.
- 12.06.170 Small general service – Schedule B. Effective April 1, 2015.
- 12.06.180 *Repealed.*
- 12.06.190 *Repealed.*
- 12.06.210 *Repealed.*
- 12.06.215 General service – Schedule G. Effective April 1, 2015.
- 12.06.220 *Repealed.*
- 12.06.225 High voltage general service – Schedule HVG. Effective April 1, 2015.
- 12.06.240 *Repealed.*
- 12.06.250 *Repealed.*
- 12.06.260 Contract industrial service – Schedule CP. Effective April 1, 2015.
- 12.06.270 *Repealed.*
- 12.06.280 *Repealed.*
- 12.06.290 Street lighting and traffic signal service – Schedule H-1. Effective April 1, 2015.
- 12.06.300 Private off-street lighting service – Schedule H-2. Effective April 1, 2015.
- 12.06.310 Power factor provisions - Schedule P.
- 12.06.314 Tax credit - Schedule TC.
- 12.06.315 *Repealed.*
- 12.06.317 *Repealed.*
- 12.06.318 *Repealed.*
- 12.06.320 Additional rules may be made by director.
- 12.06.330 Customer service policies - Additional rules and regulations.
- 12.06.340 Violations - Penalties - Enforcement.
- 12.06.350 Severability.
- 12.06.360 *Repealed.*

12.06.010 General application.

All persons receiving electric service from the Department shall be billed and pay for such service in accordance with the applicable published rate schedules hereinafter set forth in this chapter, or as the same may hereafter be amended by ordinance.

(Ord. 19320 § 2; passed Apr. 6, 1971)

³ Prior legislation: Ords. 16486, 16718, 16729, 16979, 17181, 17335, 17652, 17740, 18074, 18121, 18378, 18379, 18577, 18654, 18705 and 19120.

12.06.020 Definitions.

- A. The word “person” wherever used shall be held to mean and include persons of either sex, associations, copartnerships and corporations, whether acting by themselves or by a servant, agent or employee; the singular number shall be held and construed to include the plural and the masculine pronoun to include the feminine.
- B. Where the word “City” is used reference is made to the City of Tacoma.
- C. Where the word “Department” is used reference is made to the Light Division of the Department of Public Utilities of the City of Tacoma (doing business as “Tacoma Power.”)
- D. Where the words “Tacoma Power” is used reference is made to the Light Division of the Department of Public Utilities of the City of Tacoma.
- E. Where the word “Director” is used reference is made to the Director of Public Utilities of the City of Tacoma or person with delegated authority.
- F. Where the word “month” is used the period between monthly meter readings is referred to, not a calendar month.
- G. Where the word “customer” is used reference is made to persons obtaining electric service from Tacoma Power.
- H. Where the word “inspector” is used reference is made to the Chief Electrical Inspector for the City or person with delegated authority.
- I. Unless otherwise specified, the term “regular work hours” when applied to service cut-ins, regular and delinquent, shall mean 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.
- J. “Customer Service Policies” refers to the latest revision of the Customer Service Policies.

(Ord. 26848 § 1; passed Sept. 18, 2001: Ord. 25681 § 1; passed Mar. 21, 1995: Ord. 20267 § 1; passed Dec. 17, 1974: Ord. 19320 § 2; passed Apr. 6, 1971)

12.06.030 Available voltages.

- A. Electric service shall be alternating current at 60 hertz; available at such suitable phase, voltage and metering as may be prescribed by the Department. The frequency and all voltages referred to in the Customer Service Policies are nominal. The normal operating tolerances in frequency and service voltage will be in accordance with the latest applicable industry standards.
- B. The Department, at the option of the Director may from time to time establish additional service voltages as may be deemed advisable.

(Ord. 25681 § 2; passed Mar. 21, 1995: Ord. 19320 § 2; passed Apr. 6, 1971)

12.06.040 Application for service and contract.

- A. Any person desiring to purchase electric energy from Tacoma Power shall make such request of the Department. Such request shall contain a description of the premises where such electric energy is desired and shall state whether the electric energy is to be used for lighting, cooking, heating, or power and shall constitute a consent to accept this electric supply subject to the general provisions and service policies of Tacoma Power, in force or thereafter adopted. The purchase and connection of electric energy shall be subject to the residential building and/or commercial building (that is proposed to be connected) complying with the energy efficiency standards as referenced in subsection D below. The connection of the applicant's premises by Tacoma Power to its electrical distribution system shall constitute acceptance of the request for service and shall be regarded as establishing the contractual obligations between the applicant and Tacoma Power.
- B. The rate designation for the service applied for shall be made by the Department and such classification shall be governed by the provisions of this chapter. Where optional schedules are available for the service to be rendered, the customer shall designate in writing the desired available option. A change to a different method of billing shall not be made effective until the next regular billing day after notice has been received by the Department. The Department shall have the right to restrict service to the premises to only one single-phase service and one three-phase service.
- C. The requirements for electrical service equipment and the supply of electric power for service to large industrial users and the distributors of wholesale power to the ultimate consumer are such that special consideration must be given when the load is to be increased or a new demand for large use is in prospect. These services are offered at compatible rates under the terms of a written contract.
- D. The furnishing of electric energy for: (1) new residential buildings, proposed to use electrical space heating; (2) new commercial buildings that are proposed to use electric space conditioning and/or electric lighting; and (3) conversions of residential or commercial buildings to electric space heating or electric space conditioning and/or electric lighting,

respectively, is contingent upon and subject to said residential and/or commercial building satisfying the energy efficiency standards established by the Washington State Energy Code WAC 51-11, as adopted and amended in Chapter 2.10 of the Tacoma Municipal Code as the Official Energy Code for the City of Tacoma, except for application to existing buildings undergoing conversion to provide for electric space heating or conditioning, the 1983 Northwest Conservation and Electrical Power Plan, Appendix L. Copies of said Plan and Code are on file with the City Clerk and are incorporated herein by this reference. Existing exterior building and area lighting and existing exterior sign lighting shall be required to meet the lighting control requirements of the Tacoma Energy Code within six months of notification by the City of Tacoma.

(Ord. 26848 § 2; passed Sept. 18, 2001: Ord. 26795 § 5; passed Apr. 3, 2001: Ord. 25523 § 1; passed Jun. 14, 1994: Ord. 23166 § 1; passed May 22, 1984: Ord. 19320 § 2; passed Apr. 6, 1971)

12.06.050 Inspection.

A. Before connecting any premises with Tacoma Power’s circuits or furnishing electric current therefrom the City shall cause the wiring and devices to be carefully inspected. Until such wiring and devices are installed according to City standards and City Code and all appropriate connection fees paid, Tacoma Power shall decline to connect or reconnect the service wires with Tacoma Power’s circuit.

B. The Tacoma Power shall have free and safe access at reasonable times, to any and all premises furnished with electric service by Tacoma Power for the purpose of inspecting any wires or electrical devices on said premises, reading or installing meters, and removing or repairing any property of Tacoma Power or for any other reasonable purpose connected with the operation of the electrical system.

C. The Tacoma Power shall have the right to disconnect or refuse to furnish electric energy to machinery, premises or apparatus that, in the opinion of the Director, is detrimental to the safety of Tacoma Power employees, the general public, or to the rendering of good and satisfactory service to its other customers. The Department, Tacoma Power, or the City is authorized to disconnect the service from any premises at any time where the wiring, devices, appliances, or fixture have become, or are found to be defective or dangerous, and shall not reconnect service until such defects are corrected in accordance with the rules and regulations of the City or Tacoma Power.

D. The City shall not be liable for any damages by fire or other cause resulting from defective wiring or appliances installed by the owner or other persons on the premises supplied with such electric current; and the fact that the agents of the City may have inspected the wiring and appliances shall not be regarded as a basis for recovery in any case of damage to persons or property.

E. It shall be unlawful for any person to add any device of 2,000 watts or larger, or to wire for, or rewire for, any lights or other devices without first filing written notice with the Department and obtaining a permit therefor, and in addition to incurring the penalty hereinafter provided, such person shall be liable to the City for all damages, arising from interrupted service, or from increased load on meters, transformers or appliances, or occurring in any manner as a result of such addition or additions.

(Ord. 26848 § 3; passed Sept. 18, 2001: Ord. 25681 § 3; passed Mar. 21, 1995: Ord. 24549 § 1; passed Jan. 23, 1990: Ord. 19320 § 2; passed Apr. 6, 1971)

12.06.060 Equipment and wires.

A. When a person's request for service has been accepted, and the service connection fee has been paid, Tacoma Power shall connect the electrical service to the premises. Tacoma Power shall furnish meters and instrument transformers used for metering electric service taken by the customer. The customer shall furnish and install facilities for termination of the service drop to the customer's premises in accordance with standards and specifications of Tacoma Power. Tacoma Power shall have the right to require the customer to furnish vaults with necessary primary conduit, secondary conduit, conductors, transformer foundation, fence and such other protection as may be necessary.

B. When a request for service necessitates extending existing distribution facilities to serve persons or premises not now served by Tacoma Power, the Director shall determine the reasonableness and feasibility of serving the applicant and the amount of prepaid cost, if any, to be paid by the applicant in advance of construction. The location of the service drop or connection must be approved by the inspector. Tacoma Power will furnish service to the first point of contact on the customer's premises or a designated point. Said point of contact shall be as determined by Tacoma Power. The customer shall furnish and maintain space for transformers, transformer foundations, secondary services boxes, fence, and such other protection as may be necessary when requested to do so by Tacoma Power.

C In areas supplied through overhead service facilities where the customer has made the request for an underground service connection, it may be granted under the terms of existing Customer Service Policies or by special arrangement.

D. All meters, transformers, lines, service entrances, switches, and equipment supplied by Tacoma Power shall be and remain the property of Tacoma Power and may be removed whenever the Director may so elect.

(Ord. 26848 § 4; passed Sept. 18, 2001: Ord. 25681 § 4; passed Mar. 21, 1995: Ord. 19320 § 2; passed Apr. 6, 1971)

12.06.070 Rearranging lines or equipment.

Whenever it becomes necessary for the benefit of any person to move, remove, change, rearrange and/or disconnect any wires, poles or apparatus belonging to the City, the cost of labor and material plus applicable administrative and general expense shall be charged to the person desiring the work to be done.

(Ord. 19320 § 2; passed Apr. 6, 1971)

12.06.080 Metering.

A. Tacoma Power shall have the right to require the installation of such metering facilities as it may deem necessary or any and all measurements of electric energy on a customer's service. These requirements will be specified by Tacoma Power provided, however, that temporary service, or service to isolated relatively small fixed demands, may be rendered without metering when in the judgment of the Director the installation of metering facilities is deemed to be impractical. The Director shall determine for billing purposes hereunder the service requirements and the charges to be rendered under the rate schedule and/or ordinances applicable to the class of service furnished.

B. For billing purposes the demand shall be figured to the nearest kilowatt.

C. When a demand meter is used, it shall record the highest 30-minute average demand occurring within the billing period.

D. Persons requiring temporary service shall pay for electricity at the regular rates applicable to the class of service furnished and such additional charges as may otherwise by ordinance be provided.

(Ord. 26848 § 5; passed Sept. 18, 2001: Ord. 25681 § 5; passed Mar. 21, 1995: Ord. 19320 § 2; passed Apr. 6, 1971)

12.06.090 Connected load.

When connected load is used in connection with any rate schedule, the estimated connected load as shown on customer's application shall be used for billing purposes until such time as the Department shall have made a load check. The Department may recheck a customer's connected load at any time it may deem desirable. A check of connected load will be made at the request of the customer providing six months have elapsed since the previous request for check was made. A change in billing demand, when a change is made in connected load will be made only after load check or inspection shall have been made of customer's equipment.

(Ord. 19320 § 2; passed Apr. 6, 1971)

12.06.100 Deposits and connection charges.

A. A service account establishment charge shall be made for each customer service order as set forth in Chapter 12.01 of the Tacoma Municipal Code.

B. The applicant may be required to make a cash deposit with the City Treasurer in an amount specified in customer policies adopted by the Public Utility Board. The City Treasurer may accept satisfactory securities or surety bond in lieu of cash deposit. Such deposit or security may be applied upon delinquent bills owing Tacoma Power and shall be applied to that portion first incurred. A change in the amount of the deposit or security may be required of any customer who changes status of service. The acceptance of a cash deposit or security by Tacoma Power shall not constitute a waiver of, or be a bar to the enforcement of, Tacoma Power's lien rights granted by existing laws of the state of Washington or any amendment thereto or any law hereinafter enacted.

(Ord. 26848 § 6; passed Sept. 18, 2001: Ord. 26628 § 1; passed May 16, 2000: Ord. 25681 § 6; passed Mar. 21, 1995: Ord. 24946 § 1; passed Jul. 23, 1991: Ord. 23337 § 3; passed Sept. 10, 1985)

12.06.110 Billing - Payment of bills and delinquency.

A. The Director shall cause a bill to be rendered to each customer for electric energy consumed and/or services rendered during the preceding period. The utility bill shall become due and payable at the office of the City Treasurer or such other places designated by the Director within 15 days from the date an invoice is issued per TMC 12.01.030 and shall become delinquent thereafter. The Power Division shall compute any bill due under TMC 12.06 by carrying the computation to the third decimal place and rounding to a whole cent using a method that rounds up to the next cent whenever the third decimal place is greater than four.

B. If said bills are not paid when due, they shall become delinquent and the Director shall, if the same is necessary to enforce payment of said bills, cause a discontinuance of the service from the premises affected by such delinquency and service shall remain off until arrangement satisfactory to the Director has been made covering payment of the delinquent bill. In addition, any invoice that becomes delinquent shall be subject to a late payment fee as set forth in TMC 12.01.030.

C. All charges for electric energy or service shall be the personal obligation of the customer applying for or signing for and/or receiving such service, and in addition thereto, the City shall have all the lien rights granted by state laws against the premises where such service is furnished. The Director shall have the absolute authority, except as limited by said state laws, to refuse to furnish service to, to discontinue service to, or to refuse to resume service to any applicant or customer on account of the failure to pay delinquent bills owing Tacoma Power by such person, whether such bills cover service at the premises sought to be served or elsewhere.

D. The owner of the premises or the owner of a delinquent mortgage thereon to which electric energy has been furnished, when giving notice to cut off service to said premises shall give notice upon a form approved, furnished and provided by Tacoma Power and shall specifically state therein the right, title and/or interest of such person in said premises and the name or names of any other person having an interest therein.

E. Any tax now or hereafter imposed upon the sale and/or delivery of electric energy shall be added by the Department to the bills rendered for service, which bills shall be paid by the customers.

F. Meter readings may be made by the Department on a bi-monthly or other periodic basis. The Department may for any reason implement and impose charges based on estimated electrical consumption or an estimated meter reading.

(Ord. 28160 Ex. A; passed July 9, 2013; Ord. 28134 Ex. A; passed Feb. 26, 2013; Ord. 26848 § 7; passed Sept. 18, 2001; Ord. 25460 § 1; passed Mar. 22, 1994; Ord. 23337 § 3; passed Sept. 10, 1985)

12.06.115 Disconnection of electric service.

In addition to the other authority in this chapter (or other laws) to discontinue electric service, the Director is hereby authorized to discontinue electric service to a customer's premises when:

- A. A customer defaults on a Tacoma Power energy conservation loan agreement; or
- B. A customer defaults on an agreement with Tacoma Power to pay the cost for construction of secondary service conversion to underground, related to local improvement district undergrounding; or
- C. A customer fails to provide a Department requested deposit pursuant to Code Section 12.06.100; or
- D. A customer fails to satisfy his/her obligations pursuant to an Owner Guarantee for Utility Deposit Agreement or a Cosigner's Guarantee for Utility Deposit Agreement; or
- E. A customer constructs or modifies a building or structure in violation of Tacoma Municipal Code Section 12.06.040.D relating to building thermal performance, selection of equipment for heating, ventilating and air conditioning, water heating, electrical distribution, and illuminating systems and equipment as specified in the energy efficiency standards as adopted by the City.

Except as otherwise provided in Sections 12.06.050 and 12.06.130, termination of electric service to a premises, as authorized by this chapter, shall not occur until: (1) Tacoma Power has provided the customer reasonable notice of the intent to terminate electric service, and (2) the customer has been offered the opportunity of a hearing before a hearing officer. Reasonable notice may be accomplished by mailing such notice to the customer using United States Postal Service.

(Ord. 26848 § 8; passed Sept. 18, 2001; Ord. 24946 § 2; passed Jul. 23, 1991)

12.06.120 Resale of electric energy prohibited.

A. No person shall be permitted to resell electric energy received from the City unless the schedule or contract under which service is obtained provides otherwise, and except as permitted by law, no person generating or receiving electric energy from other sources shall be permitted to sell or exchange such electric energy excepting to the City of Tacoma.

(Ord. 25681 § 7; passed Mar.21, 1995; Ord. 19320 § 2; passed Apr. 6, 1971)

12.06.130 Diversion of current.

A. "Current diversion" means any obtaining of electrical energy or power to which a person, building or structure is not legally entitled pursuant to state law, this chapter or customer service policies adopted hereunder, including but not limited to tampering as set forth in City Code Section 12.06.140.

B. Where it is found that current is being diverted illegally the service shall be discontinued immediately and shall remain disconnected until the conditions under subsection C following, have been satisfied.

C. The agent, the tenant or the owner of the premises to which current has been diverted has:

1. Caused the service entrance to be rewired to meet satisfactorily the present code requirements.
2. Satisfied any and all payments for service then due including a bill rendered by the City to recover the loss for power and energy diverted and all costs of investigation.

D. The civil remedies set forth herein are in addition to all other civil or criminal remedies available under State law, including but not limited to RCW 80.28.240 and/or RCW Title 9A, this Code, or Customer Services Policies adopted hereunder.

(Ord. 25460 § 2; passed Mar. 22, 1994: Ord. 19320 § 2; passed Apr. 6, 1971)

12.06.140 Tampering and injury to City equipment.

A. It shall be unlawful for any person, other than a duly authorized employee of the Department acting under the authority of the Director to connect any house, premises, wires or appliances with the City's electric circuits for the purpose of securing the electric current therefrom, or for any other purpose whatever. If such unlawful action is taken, the Department shall have the right to disconnect the service at the service source and demand a minimum restoration fee as set forth in City Code Section 12.01.010 plus all other unpaid charges owing the Department.

B. If the seal on the City's meter is broken, or the meter from any cause does not properly register, or any other evidence of energy having been used illegally is found, the customer shall be charged with a consumption estimated by the Director and bill rendered accordingly.

C. The civil remedies set forth herein are in addition to all other civil or criminal remedies available under State law, including but not limited to RCW 80.28.240 and/or RCW Title 9A, this Code, or Customer Service Policies adopted hereunder.

(Ord. 25681 § 8; passed Mar. 21, 1995: Ord. 25460 § 3; passed Mar. 22, 1994: Ord. 19320 § 2; passed Apr. 6, 1971)

12.06.150 City not liable for damages.

A. The City shall not be liable for damages nor will allowances be made for loss of production, sales or service; in case of abnormal voltage, frequency or current variations, or in case the operations of the City's source of power or means of distribution fails or is curtailed, suspended, interrupted or interfered with; for any cause reasonably beyond its control. Such failure, curtailment, suspension, interruption or interference shall not be held to constitute a breach of contract on the part of the City, or in any way affect any liability for payment for power made available or for money due on or before the date on which such failure or interference occurred. The customer shall notify the Department as soon as possible in case of such failure of or interference with the City's electric service.

B. If electrical service is left on between customers as a benefit to the customer, the Department, or both, or the service is discontinued for "nonpayment" or "no contract," the Department shall not be liable for damages incurred to the property because of such actions.

(Ord. 19320 § 2; passed Apr. 6, 1971)

12.06.160 Residential service – Schedule A-1. Effective April 1, 2015.

A. Availability. Available for domestic purposes in residences, apartments, duplex houses and multiple family dwellings.

B. Applicability. To single residences, individually metered apartments and per apartment for collectively metered apartments.

C. Monthly Rate. The sum of the following energy, delivery and customer charges:

1. Energy: All energy measured in kilowatt-hours at \$0.039710 per kWh.
2. Delivery: All energy delivered in kilowatt-hours at \$0.034435 per kWh.
3. Customer Charge: \$10.50 per month, or any fraction thereof, for all but collectively metered apartments; \$8.50 per month, or any fraction thereof, for collectively metered apartments.

4. Exceptions:

(a) Within the City of Fife:

- (1) Energy: All energy measured in kilowatt-hours at \$0.039710 per kWh.
- (2) Delivery: All energy delivered in kilowatt-hours at \$0.034435 per kWh.

(3) Customer Charge: \$10.50 per month, or any fraction thereof, for all but collectively metered apartments; \$8.50 per month, or any fraction thereof, for collectively metered apartments.

(b) Within the City of Fircrest:

(1) Energy: All energy measured in kilowatt-hours at \$0.039710 per kWh.

(2) Delivery: All energy delivered in kilowatt-hours at \$0.034435 per kWh.

(3) Customer Charge: \$10.50 per month, or any fraction thereof, for all but collectively metered apartments; \$8.50 per month, or any fraction thereof, for collectively metered apartments.

(c) Within the City of Lakewood:

(1) Energy: All energy measured in kilowatt-hours at \$0.039710 per kWh.

(2) Delivery: All energy delivered in kilowatt-hours at \$0.034435 per kWh.

(3) Customer Charge: \$10.50 per month, or any fraction thereof, for all but collectively metered apartments; \$8.50 per month, or any fraction thereof, for collectively metered apartments.

(d) Within the City of Steilacoom:

(1) Energy: All energy measured in kilowatt-hours at \$0.039710 per kWh.

(2) Delivery: All energy delivered in kilowatt-hours at \$0.034435 per kWh.

(3) Customer Charge: \$10.50 per month, or any fraction thereof, for all but collectively metered apartments; \$8.50 per month, or any fraction thereof, for collectively metered apartments.

(e) Within the City of University Place:

(1) Energy: All energy measured in kilowatt-hours at \$0.039710 per kWh.

(2) Delivery: All energy delivered in kilowatt-hours at \$0.034435 per kWh.

(3) Customer Charge: \$10.50 per month, or any fraction thereof, for all but collectively metered apartments; \$8.50 per month, or any fraction thereof, for collectively metered apartments.

D. Service Conditions.

1. Where load conditions warrant, three-phase electric service may be made available by prior written agreement.

2. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy shall apply.

(Ord. 28285 Ex. A; passed Mar. 17, 2015: Ord. 28134 Ex. A and Ex. B; passed Feb. 26, 2013: Ord. 27976 Ex. A and Ex. B; passed Mar. 29, 2011: Ord. 27332 § 1; passed Mar. 22, 2005: Ord. 27150 § 1; passed Oct. 7, 2003: Ord. 27058 § 1; passed Mar. 18, 2003: Ord. 26848 § 9; passed Sept. 18, 2001: Ord. 26628 § 1; passed May 16, 2000: Ord. 25681 § 9; passed Mar. 21, 1995: Ord. 25460 § 4; passed Mar. 22, 1994: Ord. 25076 § 1; passed Mar. 24, 1992: Ord. 24584 § 1; passed Mar. 20, 1990: Ord. 24050 § 1; passed Mar. 29, 1988: Ord. 23703 § 1; passed Sept. 23, 1986: Ord. 23473 § 1; passed Sept. 24, 1985: Ord. 23372 § 1; passed Apr. 16, 1985: Ord. 23277 § 1; passed Oct. 23, 1984: Ord. 23093 § 1; passed Dec. 27, 1983: Ord. 23061 § 1; passed Nov. 22, 1983: Ord. 22951 § 1; passed Jul. 5, 1983: Ord. 22878 § 1; passed Mar. 1, 1983: Ord. 22460 § 1; passed Jul. 7, 1981: Ord. 21917 § 1; passed Dec. 11, 1979: Ord. 21566 § 1; passed Dec. 19, 1978: Ord. 20267 § 4; passed Dec. 17, 1974: Ord. 19320 § 2; passed Apr. 6, 1971)

12.06.165 Low-income senior and/or low-income disabled discount residential service – Schedule A-2.

A. Availability. Available for domestic purposes in residences, apartments, duplex houses and multiple family dwellings.

B. Applicability. To single residences and individually metered apartments. To Tacoma Power customers who:

1. (a) Are 62 years of age or older, and have a maximum household annual income of not more than 150 percent of the poverty guidelines established by the U.S. Department of Health and Human Services (or its successor agency) as computed annually and published in the Federal Register; or

(b) Receive Supplemental Security Income pursuant to 42 USC Sections 1381 through 1383; or

(c) Are disabled and receive income from a disability program as a result of a disability that prevents working consistent with the requirements of 42 USC Section 401 et seq. and whose annual household income, together with all household members, does not exceed 150 percent of the poverty guidelines established by the U.S. Department of Health and Human Services (or

its successor agency) as computed annually and published in the Federal Register for the number of individuals in the household; and

2. Are a single occupant or the head of a household or the spouse of the head of the household; and

3. Reside in the dwelling unit; and

4. Are billed or are the spouse of a person billed by Tacoma Power; and

5. Customers who have been certified eligible by the authorized administering agency on or before March 31, 2003, and who have an active City of Tacoma Department of Public Utilities (d.b.a. Tacoma Public Utilities) utility account (prior to said date) shall be grandfathered pursuant to the prior income eligibility criteria until such account closes. If a customer closes the active account and does not reestablish a new account within ten business days, or if a customer has never applied for the discount rate, then the customer must apply in accordance with the hereinabove criteria. Eligibility shall be certified by Tacoma Power in conjunction with the appropriate authorized administering organization. Each applicant may be contacted regarding weatherization services.

C. Monthly Rate. 70 percent of the monthly bill as calculated under Section 12.06.160 of the Tacoma Municipal Code, known as Residential Service - Schedule A-1.

D. Service Conditions.

1. Where load conditions warrant, three-phase electric service may be made available by prior written agreement.

2. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy shall apply.

(Ord. 27971 Ex. A; passed Feb. 8, 2011; Ord. 27332 § 2; passed Mar. 22, 2005; Ord. 27058 § 2; passed Mar. 18, 2003; Ord. 26848 § 10; passed Sept. 18, 2001; Ord. 26628 § 1; passed May 16, 2000; Ord. 25460 § 5; passed Mar. 22, 1994; Ord. 25076 § 2; passed Mar. 24, 1992; Ord. 24584 § 2; passed Mar. 20, 1990)

12.06.170 Small general service – Schedule B. Effective April 1, 2015.

A. Availability. For nonresidential lighting, heating, and incidental power uses where a demand meter may be installed. Also for nonresidential incidental power uses where a meter is not installed. The customer's actual demand as determined by Tacoma Power may not exceed 50 kilovolt amperes or total connected load as estimated by Tacoma Power may not exceed 65 kilowatts upon initial service energization.

B. Monthly Rate. The sum of the following energy, delivery and customer charges:

1. Energy: All energy measured in kilowatt-hours at \$0.042507 per kWh.

2. Delivery: All energy delivered in kilowatt-hours at \$0.034587 per kWh.

3. Customer Charge: \$19.00 per month or any fraction thereof for all but unmetered services; \$14.75 per month or any fraction thereof for unmetered services.

4. Exceptions:

(a) Within the City of Fife:

(1) Energy: All energy measured in kilowatt-hours at \$0.042507 per kWh.

(2) Delivery: All energy delivered in kilowatt-hours at \$0.034587 per kWh.

(3) Customer Charge: \$19.00 per month or any fraction thereof for all but unmetered services; \$14.75 per month or any fraction thereof for unmetered services.

(b) Within the City of Fircrest:

(1) Energy: All energy measured in kilowatt-hours at \$0.042507 per kWh.

(2) Delivery: All energy delivered in kilowatt-hours at \$0.034587 per kWh.

(3) Customer Charge: \$19.00 per month or any fraction thereof for all but unmetered services; \$14.75 per month or any fraction thereof for unmetered services.

(c) Within the City of Lakewood:

(1) Energy: All energy measured in kilowatt-hours at \$0.042507 per kWh.

(2) Delivery: All energy delivered in kilowatt-hours at \$0.034587 per kWh.

(3) Customer Charge: \$19.00 per month or any fraction thereof for all but unmetered services; \$14.75 per month or any fraction thereof for unmetered services.

(d) Within the City of Steilacoom:

(1) Energy: All energy measured in kilowatt-hours at \$0.042507 per kWh.

(2) Delivery: All energy delivered in kilowatt-hours at \$0.034587 per kWh.

(3) Customer Charge: \$19.00 per month or any fraction thereof for all but unmetered services; \$14.75 per month or any fraction thereof for unmetered services.

(e) Within the City of University Place:

(1) Energy: All energy measured in kilowatt-hours at \$0.042507 per kWh.

(2) Delivery: All energy delivered in kilowatt-hours at \$0.034587 per kWh.

(3) Customer Charge: \$19.00 per month or any fraction thereof for all but unmetered services; \$14.75 per month or any fraction thereof for unmetered services.

C. Service Conditions.

1. The maximum allowable total connected motor rating is 7.5 horsepower (5.6 kilowatts) exclusive of motors of 1/4 horsepower and under for standard plug-in applications.

2. At the option of Tacoma Power, a customer may be transferred to a demand metered rate if the customer's actual demand has exceeded 50 kilovolt amperes at least three times in the prior 24-month period.

3. Power factor provision applicable.

4. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy shall apply.

(Ord. 28285 Ex. A; passed Mar. 17, 2015: Ord. 28134 Ex. A and Ex. B; passed Feb. 26, 2013: Ord. 27976 Ex. A and Ex. B; passed Mar. 29, 2011: Ord. 27604 § 1; passed Apr. 17, 2007: Ord. 27332 § 3; passed Mar. 22, 2005: Ord. 27150 § 2; passed Oct. 7, 2003: Ord. 27058 § 3; passed Mar. 18, 2003: Ord. 26848 § 11; passed Sept. 18, 2001: Ord. 26628 § 1; passed May 16, 2000: Ord. 25681 § 10; passed Mar. 21, 1995: Ord. 25460 § 6; passed Mar. 22, 1994: Ord. 25076 § 3; passed Mar. 24, 1992: Ord. 24584 § 3; passed Mar. 20, 1990: Ord. 24050 § 2; passed Mar. 29, 1988: Ord. 23372 § 2; passed Apr. 16, 1985: Ord. 22951 § 2; passed Jul. 5, 1983: Ord. 22878 § 2; passed Mar. 1, 1983: Ord. 22460 § 2; passed Jul. 7, 1981: Ord. 21917 § 2; passed Dec. 11, 1979: Ord. 21566 § 2; passed Dec. 19, 1978: Ord. 20267 § 5; passed Dec. 17, 1974: Ord. 19320 § 2; passed Apr. 6, 1971)

12.06.180 Commercial all-electric cooking, baking and water heating rate – Schedule C. *Repealed by Ord. 24584.*

(Ord. 24584 § 4; passed Mar 20, 1990: Ord. 20267 § 6; passed Dec. 17, 1974: Ord. 19320 § 2; passed Apr. 6, 1971)

12.06.190 General commercial service – Schedule C. *Repealed by Ord. 24584.*

(Ord. 24584 § 5; passed Mar 20, 1990: Ord. 24050 § 3; passed Mar. 29, 1988: Ord. 23372 § 3; passed Apr. 16, 1985: Ord. 22951 § 3; passed Jul. 5, 1983: Ord. 22878 § 3; passed Mar. 1, 1983: Ord. 22460 § 3; passed Jul. 7, 1981: Ord. 21917 § 3; passed Dec. 11, 1979: Ord. 21566 § 3; passed Dec. 19, 1978: Ord. 20267 § 7; passed Dec. 17, 1974: Ord. 19320 § 2; passed Apr. 6, 1971)

12.06.210 General service – Schedule E-1. *Repealed by Ord. 24584.*

(Ord. 24584 § 6; passed Mar 20, 1990: Ord. 24050 § 4; passed Mar. 29, 1988: Ord. 23372 § 4; passed Apr. 16, 1985: Ord. 22951 § 4; passed Jul. 5, 1983: Ord. 22878 § 4; passed Mar. 1, 1983: Ord. 22460 § 4; passed Jul. 7, 1981: Ord. 21917 § 4; passed Dec. 11, 1979: Ord. 21566 § 4; passed Dec. 19, 1978: Ord. 20267 § 9; passed Dec. 17, 1974: Ord. 19320 § 2; passed Apr. 6, 1974: Ord. 19320 § 2; passed Apr. 6, 1971)

12.06.215 General service – Schedule G. *Effective April 1, 2015.*

A. Availability. For general power use where a demand meter is installed, for standby capacity to customers generating all or a part of their electric power requirements, and for intermittent use. The customer's actual demand as determined by Tacoma Power must exceed 50 kilovolt amperes or total connected load as estimated by Tacoma Power must exceed 65 kilowatts upon initial service energization.

For customers providing all their own transformation from Tacoma Power's distribution system voltage, a discount for transformer investment and maintenance will be provided by reducing the monthly bill by 0.8 percent. For customers metered on the primary side of a transformer, a discount for transformer losses will be provided by reducing the monthly bill by 1 percent. These discount percentages are additive, and not compounded.

B. Monthly Rate. The sum of the following energy, delivery, and customer charges:

1. Energy: All energy measured in kilowatt-hours at \$0.041192 per kWh.
2. Delivery: All kilowatts of Billing Demand delivered at \$7.50 per kW.
3. Customer Charge: \$50.00 per month or any fraction thereof.
4. Exceptions:

(a) Within the City of Fife:

- (1) Energy: All energy measured in kilowatt-hours at \$0.041192 per kWh.
- (2) Delivery: All kilowatts of Billing Demand delivered at \$7.50 per kW.
- (3) Customer Charge: \$50.00 per month or any fraction thereof.

(b) Within the City of Fircrest:

- (1) Energy: All energy measured in kilowatt-hours at \$0.041192 per kWh.
- (2) Delivery: All kilowatts of Billing Demand delivered at \$7.50 per kW.
- (3) Customer Charge: \$50.00 per month or any fraction thereof.

(c) Within the City of Lakewood:

- (1) Energy: All energy measured in kilowatt-hours at \$0.041192 per kWh.
- (2) Delivery: All kilowatts of Billing Demand delivered at \$7.50 per kW.
- (3) Customer Charge: \$50.00 per month or any fraction thereof.

(d) Within the City of Steilacoom:

- (1) Energy: All energy measured in kilowatt-hours at \$0.041192 per kWh.
- (2) Delivery: All kilowatts of Billing Demand delivered at \$7.50 per kW.
- (3) Customer Charge: \$50.00 per month or any fraction thereof.

(e) Within the City of University Place:

- (1) Energy: All energy measured in kilowatt-hours at \$0.041192 per kWh.
- (2) Delivery: All Kilowatts of Billing Demand delivered at \$7.50 per kW.
- (3) Customer Charge: \$50.00 per month or any fraction thereof.

C. Billing Demand. Determined by means of a demand meter, 30-minute interval, reset monthly. The Billing Demand shall be the highest of:

1. The highest measured demand for the month adjusted for power factor;
2. 60 percent of the highest measured demand occurring during any of the preceding 11 months after adjustment for power factor; or
3. 100 percent of the standby capacity.

For purposes of the determination of Billing Demand in subsection 2 above, the 11 months of history shall be carried forward from the customer's previous account(s).

D. Standby Capacity. That amount of power requested by written application or estimated by the Director to be made continuously available for exclusive use of the customer.

E. Service Conditions.

1. At the option of Tacoma Power, primary metering may be installed where the service transformers aggregate 500 kVA or more.

2. At the option of Tacoma Power, a customer may be transferred to a non-demand metered rate if the customer's actual demand has not exceeded 50 kilovolt amperes in the prior 24-month period.

3. Power factor provision applicable.

4. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy shall apply.

(Ord. 28285 Ex. A; passed Mar. 17, 2015; Ord. 28134 Ex. A and Ex. B; passed Feb. 26, 2013; Ord. 27976 Ex. A and Ex. B; passed Mar. 29, 2011; Ord. 27332 § 4; passed Mar. 22, 2005; Ord. 27150 § 3; passed Oct. 7, 2003; Ord. 27058 § 4; passed Mar. 18, 2003; Ord. 26848 § 12; passed Sept. 18, 2001; Ord. 26628 § 1; passed May 16, 2000; Ord. 25681 § 11; passed Mar. 21, 1995; Ord. 25460 § 7; passed Mar. 22, 1994; Ord. 25076 § 4; passed Mar. 24, 1992; Ord. 24584 § 7; passed Mar. 20, 1990; Ord. 24050 § 5; passed Mar. 29, 1988)

12.06.220 Primary general service – Agencies – Schedule E-2. Repealed by Ord. 24584.

(Ord. 24584 § 8; passed Mar 20, 1990; Ord. 24050 § 6; passed Mar. 29, 1988; Ord. 23372 § 5; passed Apr. 16, 1985; Ord. 22951 § 5; passed Jul. 5, 1983; Ord. 22878 § 5; passed Mar. 1, 1983; Ord. 22460 § 5; passed Jul. 7, 1981; Ord. 21917 § 5; passed Dec. 11, 1979; Ord. 21566 § 5; passed Dec. 19, 1978; Ord. 20267 § 10; passed Dec. 17, 1974; Ord. 19320 § 2; passed Apr. 6, 1971)

12.06.225 High voltage general service – Schedule HVG. Effective April 1, 2015.

A. Availability. For general power use where a demand meter is installed and where a customer served does not require the use of Tacoma Power’s distribution facilities other than substation transformation. For customers who provide all of their own transformation from Tacoma Power’s transmission system voltage, a credit of 15.83 percent will be applicable to the delivery charge.

B. Monthly Rate: The sum of the following energy, delivery and customer charges:

1. Energy: All energy measured in kilowatt-hours at \$0.035175 per kWh.

2. Delivery: All kilowatts of Billing Demand delivered at \$4.00 per kW.

3. Customer Charge: \$210.00 per month or any fraction thereof.

4. Exceptions:

(a) Within the City of Fife:

(1) Energy: All energy measured in kilowatt-hours at \$0.035175 per kWh.

(2) Delivery: All kilowatts of Billing Demand delivered at \$4.00 per kW.

(3) Customer Charge: \$210.00 per month or any fraction thereof.

(b) Within the City of Fircrest:

(1) Energy: All energy measured in kilowatt-hours at \$0.035175 per kWh.

(2) Delivery: All kilowatts of Billing Demand delivered at \$4.00 per kW.

(3) Customer Charge: \$210.00 per month or any fraction thereof.

(c) Within the City of Lakewood:

(1) Energy: All energy measured in kilowatt-hours at \$0.035175 per kWh.

(2) Delivery: All kilowatts of Billing Demand delivered at \$4.00 per kW.

(3) Customer Charge: \$210.00 per month or any fraction thereof.

(d) Within the City of Steilacoom:

(1) Energy: All energy measured in kilowatt-hours at \$0.035175 per kWh.

(2) Delivery: All kilowatts of Billing Demand delivered at \$4.00 per kW.

(3) Customer Charge: \$210.00 per month or any fraction thereof.

(e) Within the City of University Place:

(1) Energy: All energy measured in kilowatt-hours at \$0.035175 per kWh.

(2) Delivery: All kilowatts of Billing Demand delivered at \$4.00 per kW.

(3) Customer Charge: \$210.00 per month or any fraction thereof.

C. Billing Demand. Determined by means of a demand meter, 30-minute interval, reset monthly. The billing demand shall be the higher of:

1. The highest measured demand for the month adjusted for power factor, or
2. 60 percent of the highest measured demand occurring during any of the preceding 11 months after adjustment for power factor.

For purposes of the determination of Billing Demand in subsection 2 above, the 11 months of history shall be carried forward from the customer's previous account(s).

D. Service Conditions.

1. Power factor provision applicable.
2. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy shall apply.

(Ord. 28285 Ex. A; passed Mar. 17, 2015; Ord. 28134 Ex. A; passed Feb. 26, 2013; Ord. 27976 Ex. A; passed Mar. 29, 2011; Ord. 27332 § 5; passed Mar. 22, 2005; Ord. 27150 § 4; passed Oct. 7, 2003; Ord. 27058 § 5; passed Mar. 18, 2003; Ord. 26848 § 13; passed Sept. 18, 2001)

12.06.240 Primary general service – Schools – Schedule E-3. Repealed by Ord. 24584.

(Ord. 24584 § 9; passed Mar 20, 1990; Ord. 24050 § 7; passed Mar. 29, 1988; Ord. 23372 § 6; passed Apr. 16, 1985; Ord. 22951 § 6; passed Jul. 5, 1983; Ord. 22878 § 6; passed Mar. 1, 1983; Ord. 22460 § 6; passed Jul. 7, 1981; Ord. 21917 § 6; passed Dec. 11, 1979; Ord. 21566 § 6; passed Dec. 19, 1978; Ord. 20267 § 12; passed Dec. 17, 1974; Ord. 19320 § 2; passed Apr. 6, 1971)

12.06.250 Temporary general service – Schedule L. Repealed by Ord. 24584.

(Ord. 24584 § 10; passed Mar 20, 1990; Ord. 19320 § 2; passed Apr. 6, 1971)

12.06.260 Contract industrial service – Schedule CP. Effective April 1, 2015.

A. Availability. For major industrial power use upon the execution of a written Power Service Agreement (Contract) with Tacoma Power, which shall require among other conditions:

1. A minimum Contract Demand (as set forth in the Contract) of not less than 8,000 kilowatts;
2. Delivery of power at one primary voltage;
3. Metering at primary voltage but in no case at less than nominal 4,160 volts;
4. Power factor adjustment to 95 percent lagging or better; and
5. Service is subject to curtailment and certain notice provisions are applicable.

B. Monthly Rate. The sum of the following power service, delivery, customer and other charges:

1. Power Service Charges:

(a) Energy: All Contract Energy (as set forth in the Contract) measured in kilowatt-hours at \$0.028481 per kWh.

(b) Demand: All kilowatts of Billing Demand delivered at \$4.33 per kW.

(c) Minimum Charge: The Demand Charge.

(d) Contract Energy Overrun: All energy measured in excess of the Contract Energy (as set forth in the Contract) is subject to a Contract Energy Overrun charge, pursuant to the following formula:

$$\text{Contract Energy Overrun Charge} = (\text{MWh} + \text{Losses}) \times (\text{THI} + \text{T}_x) \times 120\%.$$

Where: MWh = the aggregate MWh over the day the customer's total measured daily load was above the Contract Energy amount; Losses = MWh x 1.9%; THI = the highest hourly price observed on the Tacoma Hourly Index within the day of overrun; Tx = applicable BPA or successor organization, transmission rate in \$ per MWh.

(e) Contract Demand Overrun: A Contract Demand Overrun charge shall be imposed when the total measured demand (highest 30-minute integrated demand) exceeds the Contract Demand (as set forth in the Contract). Said charge is pursuant to the following formula:

$$\text{Contract Demand Overrun Charge} = \text{MW} \times 300\% \times \text{DC}$$

Where: MW = MW of metered Demand in excess of the Contract Demand; DC = Demand Charge.

2. Delivery: All kilowatts of Billing Demand delivered at \$4.00 per kW.

3. Customer Charge: \$760.00 per month or any fraction thereof.

4. Exceptions:

(a) Within the City of Fife:

(1) Power Service Charges:

(i) Energy: All Contract Energy (as set forth in the Contract) measured in kilowatt-hours at \$0.028481 per kWh.

(ii) Demand: All kilowatts of Billing Demand delivered at \$4.33 per kW.

(iii) Minimum Charge: The Demand Charge.

(iv) Contract Energy Overrun: All energy measured in excess of the Contract Energy (as set forth in the Contract) is subject to a Contract Energy Overrun charge, pursuant to the following formula:

$$\text{Contract Energy Overrun Charge} = (\text{MWh} + \text{Losses}) \times (\text{THI} + \text{Tx}) \times 124.1319\%$$

Where: MWh = the aggregate MWh over the day the customer's total measured daily load was above the Contract Energy amount; Losses = MWh x 1.9%; THI = the highest hourly price observed on the Tacoma Hourly Index within the day of overrun; Tx = applicable BPA or successor organization, transmission rate in \$ per MWh.

(v) Contract Demand Overrun: A Contract Demand Overrun charge shall be imposed when the total measured demand (highest 30-minute integrated demand) exceeds the Contract Demand (as set forth in the Contract). Said charge is pursuant to the following formula:

$$\text{Contract Demand Overrun Charge} = \text{MW} \times 300\% \times \text{DC}$$

Where: MW = MW of metered Demand in excess of the Contract Demand; DC = Demand Charge.

(2) Delivery: All kilowatts of Billing Demand delivered at \$4.00 per kW.

(3) Customer Charge: \$760.00 per month or any fraction thereof.

C. Billing Demand. Determined by means of a demand meter, 30-minute interval, reset monthly.

1. The Billing Demand shall be the highest of:

(a) The highest measured demand for the month, adjusted for power factor;

(b) 60 percent of the highest measured demand occurring during any of the preceding 11 months after adjustment for power factor;

(c) A demand level equal to the Contract Energy, in average megawatt (as set forth in the Contract); or

(d) 60 percent of the highest Contract Demand (as set forth in the Contract) during any of the preceding 11 months.

D. Service Conditions.

1. Power factor provision applicable; and

2. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy and delivery services shall apply.

(Ord. 28285 Ex. A; passed Mar. 17, 2015; Ord. 28134 Ex. A and Ex. B; passed Feb. 26, 2013; Ord. 27976 Ex. A and Ex. B; passed Mar. 29, 2011; Ord. 27332 § 6; passed Mar. 22, 2005; Ord. 27150 § 5; passed Oct. 7, 2003; Ord. 27058 § 6; passed Mar. 18, 2003; Ord. 26848 § 14; passed Sept. 18, 2001; Ord. 26628 § 1; passed May 16, 2000; Ord. 25681 § 12; passed Mar. 21, 1995; Ord. 25460 § 8; passed Mar. 22, 1994; Ord. 25076 § 5; passed Mar. 24, 1992; Ord. 24584 § 11; passed Mar. 20, 1990; Ord. 24050 § 8; passed Mar. 29, 1988; Ord. 23372 § 7; passed Apr. 16, 1985; Ord. 22951 § 7; passed Jul. 5,

1983: Ord. 22878 § 7; passed Mar. 1, 1983: Ord. 22460 § 7; passed Jul. 7, 1981: Ord. 21917 § 7; passed Dec. 11, 1979: Ord. 21566 § 7; passed Dec. 19, 1978: Ord. 20267 § 13; passed Dec. 17, 1974: Ord. 19320 § 2; passed Apr. 6, 1971)

12.06.270 General time of day/off-peak service – Schedule TODG. Repealed by Ord. 25681.

(Ord. 25681 § 13; passed Mar 21, 1995: Ord. 25460 § 9; passed Mar. 22, 1994: Ord. 25076 § 6; passed Mar. 24, 1992: Ord. 24584 § 12; passed Mar. 20, 1990: Ord. 24050 § 9; passed Mar. 29, 1988: Ord. 23737 § 1; passed Nov. 25, 1986)

12.06.280 Interruptible power service – Schedule IP. Repealed by Ord. 26848.

(Ord. 26848 § 15; passed Sept. 18, 2001: Ord. 26628 § 1; passed May 16, 2000: Ord. 24050 § 10; passed Mar. 29, 1988: Ord. 22460 § 8; passed Jul. 7, 1981: Ord. 21917 § 8; passed Dec. 19, 1978: Ord. 20267 § 14; passed Dec. 17, 1974: Ord. 19320 § 2; passed Apr. 6, 1971)

12.06.290 Street lighting and traffic signal service – Schedule H-1. Effective April 1, 2015.

A. Availability: Available for:

1. Public street lighting service where the lighting system is in operation during hours of darkness and where the street light system and equipment is owned by the customer, or there have been other suitable prior written arrangements agreed to by Tacoma Power and the applicant; and
2. Traffic controllers, signal lights, warning lights, danger lights, pedestrian lights and similar uses, where the traffic control system and equipment is owned and maintained by the customer.

B. Monthly Rate: Rates stated herein are for (1) unmetered installations [items 1 and 2] where charges are per fixture and shall be applied to the number of installed units on the system as determined by Tacoma Power at the time the billing is rendered, and (2) metered installations [item 3].

1. Street Lighting Units (Unmetered):

(a) Incandescent Lamps:

Nominal Wattage	Energy Charge Per Unit
Up to 150 Watts	\$2.78
151-220 Watts	\$4.05
221-320 Watts	\$5.84
321-520 Watts	\$9.51
521 & Over Watts	\$13.58

(b) High Intensity Discharge Lamps:

Nominal Wattage	Energy Charge Per Unit		
	Continuous	Dusk to Dawn	Dusk to 2:20 a.m.
50 Watts	\$2.55	\$1.30	\$0.80
70 Watts	\$3.37	\$1.71	\$1.20
100 Watts	\$4.86	\$2.51	\$1.70
150 Watts	\$7.24	\$3.26	\$2.51
175 Watts	\$7.59	\$4.05	\$2.62
200 Watts	\$8.48	\$4.38	\$2.87
250 Watts	\$10.93	\$5.37	\$3.78
310 Watts	\$12.53	\$6.42	\$4.20
400 Watts	\$16.73	\$8.67	\$5.71
700 Watts	\$28.72	\$14.69	\$9.84
1000 Watts	\$41.39	\$20.83	\$14.17
1500 Watts	\$59.64	\$30.80	\$20.47

(c) All lamps not listed above: Energy charge for lamp installations not listed in the above tabulations shall be at the rate of \$36.92, \$18.81, and \$12.35 per month per kilowatt of total connected load for Continuous, Dusk to Dawn, and Dusk to 2:20 a.m. lamps, respectively.

2. Traffic Control Units (Unmetered):

(a)

Unit Type	Energy Charge Per Unit
(1) Red - Amber – Green	
Controllers	\$2.04
Heads	\$2.72
(2) Flashing	
Controllers	\$0.63
Heads	\$1.61

(1) Incandescent Lamps:

Unit Type	Energy Charge Per Unit					
	Red	Amber	Green	Flashing	Walk	Wait
8 Inch Bulb	\$1.07	\$0.10	\$0.78	\$0.99		
12 Inch Bulb	\$2.61	\$0.24	\$1.91	\$2.37		
Pedestrian Head					\$0.39	\$1.56

(2) Light Emitting Diodes (LED) Lamps:

Unit Type	Energy Charge Per Unit					
	Red	Amber	Green	Flashing	Walk	Wait
8 Inch LED	\$0.16	\$0.02	\$0.08	\$0.15		
12 Inch LED	\$0.22	\$0.03	\$0.17	\$0.19		
Pedestrian Head					\$0.06	\$0.34

(3) Neon Lamps:

Unit Type	Energy Charge Per Unit	
	Walk	Wait
Pedestrian Head	\$0.17	\$0.67

(4) Controllers:

Unit Type	Energy Charge Per Unit
Traffic	\$2.04
Flashing	\$0.63

(5) All lamps or controllers not listed above: Energy charge for lamp or controller installations not listed in the above tabulations shall be calculated by multiplying the unit wattage (in kW) x 730 hours x percent active x \$0.045230 per kWh per month.

3. Street Lighting and Traffic Control Units (Metered): The sum of the following energy, delivery and customer charges:

- (a) Energy: All energy measured in kilowatt-hours at \$0.032922 per kWh.
- (b) Delivery: All energy delivered in kilowatt-hours at \$0.011790 per kWh.
- (c) Customer Charge: \$6.22 per month or any fraction thereof.

C. Service Conditions. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy shall apply.

(Ord. 28285 Ex. A; passed Mar. 17, 2015: Ord. 28134 Ex. A and Ex. B; passed Feb. 26, 2013: Ord. 27976 Ex. A and Ex. B; passed Mar. 29, 2011: Ord. 27604 § 2; passed Apr. 27, 2007: Ord. 27332 § 7; passed Mar. 22, 2005: Ord. 27058 § 7; passed Mar. 18, 2003: Ord. 26848 § 16; passed Sept. 18, 2001: Ord. 26628 § 1; passed May 16, 2000: Ord. 25681 § 14; passed Mar. 21, 1995: Ord. 25460 § 10; passed Mar. 22, 1994: Ord. 25076 § 7; passed Mar. 24, 1992: Ord. 24584 § 13; passed Mar. 20, 1990: Ord. 24280 § 1; passed Feb. 28, 1989: Ord. 24050 § 11; passed Mar. 29, 1988: Ord. 23372 § 8; passed Apr. 16, 1985: Ord. 22951 § 8; passed Jul. 5, 1983: Ord. 22878 § 8; passed Mar. 3, 1983: Ord. 22460 § 9; passed Jul. 7, 1981: Ord. 21917 § 9; passed Dec. 11, 1979: Ord. 21566 § 9; passed Dec. 19, 1978: Ord. 20808 § 1; passed Jul. 13, 1976: Ord. 20267 § 15; passed Dec. 17, 1974: Ord. 19714 § 1; passed Dec. 12, 1972)

12.06.300 Private off-street lighting service – Schedule H-2. Effective April 1, 2015.

A. Availability. Available for high pressure sodium outdoor lighting service along private street and roadways, over parking lots, and for general area lighting of private property, but excluding public streets within the City of Tacoma.

B. Character of Service.

1. Lighting under this schedule shall be limited to the hours of darkness when street and highway lights are normally in use. The hours of use shall be regulated by a photoelectric control.
2. Tacoma Power will install, own, and maintain the equipment.
3. Energy will be provided on an unmetered basis.

C. Monthly Rate.

1. Lamps:

Lamp Rating (Watts/Lamp)	Type	Rental Charge
100-Watt	Sodium Vapor	\$12.95
200-Watt	Sodium Vapor	\$16.43
400-Watt	Sodium Vapor	\$26.28

2. All lamps not listed above: Energy charge for lamp installations not listed in the above tabulations shall be at the rate of \$36.92, \$18.81, and \$12.35 per month per kilowatt of total connected load for Continuous, Dusk to Dawn, and Dusk to 2:20 a.m. lamps, respectively.

3. Additional Equipment: Fixtures will be installed on existing poles. However, additional poles, wires, and accessories required for a lighting installation will be charged for in addition to the “Rental Charge.” A maximum of three poles will be allowed on any one installation. The customer shall pay the entire installation cost of \$624.23 per pole at the time of installation.

4. For customers billed under low-income senior and/or low-income disabled discount residential service, Rate Schedule A-2, a discount will be provided by reducing the monthly bill by 30 percent.

D. Service Conditions. Applicable provisions of the Tacoma Municipal Code, General Provisions, and Customer Service Policies governing the sale of electric energy shall apply.

(Ord. 28285 Ex. A; passed Mar. 17, 2015: Ord. 28134 Ex. A and Ex. B; passed Feb. 26, 2013: Ord. 27976 Ex. A and Ex. B; passed Mar. 29, 2011: Ord. 27332 § 8; passed Mar. 22, 2005: Ord. 27058 § 8; passed Mar. 18, 2003: Ord. 26848 § 17; passed Sept. 18, 2001: Ord. 26628 § 1; passed May 16, 2000: Ord. 25681 § 15; passed Mar. 21, 1995: Ord. 25460 § 11; passed Mar. 22, 1994: Ord. 25076 § 8; passed Mar. 24, 1992: Ord. 24584 § 14, passed Mar. 20, 1990: Ord. 24280 § 2; passed Feb. 28, 1989: Ord. 24050 § 12; passed Mar. 29, 1988: Ord. 23372 § 9; passed Apr. 16, 1985: Ord. 22878 § 9; passed Mar. 1, 1983: Ord. 22460 § 10; passed Jul. 7, 1981: Ord. 21105 § 1; passed Jul. 5, 1977: Ord. 20267 § 16; passed Dec. 17, 1974: Ord. 19320 § 2; passed Apr. 6, 1971)

12.06.310 Power factor provisions – Schedule P.

A. Application. The provisions of this schedule shall be applicable to all electrical service, unless and until specific arrangements are made in writing with Tacoma Power to the contrary.

B. Equipment. Except for portable equipment of less than three kVA rating and arc furnace loads as set forth in Adjustment Provision C.2 below, all installations of neon, mercury vapor, fluorescent or other gaseous tube lighting, as well as welding

transformers, X-ray machines, motors and any other electrical equipment having low power factor characteristics, which are hereafter installed, replaced, relocated, or rearranged, shall include proper equipment to correct the power factor of such installations to not less than 95 percent lagging for each unit or separately controlled group of units, or 90 percent lagging for each separate service whose load primarily consists of an arc furnace(s).

Existing nonconforming electrical installations shall be subject to all provisions of this chapter and the installation of corrective equipment may be required by Tacoma Power.

All power factor corrective equipment installed or operated by the customer shall be so used as to further the objectives of this chapter without causing adverse voltage conditions upon Tacoma Power’s system. Tacoma Power shall have the right to require the installation of suitable switching facilities and to disconnect or to refuse to furnish electric energy to any installation that, in the opinion of Tacoma Power, is detrimental to the rendering of satisfactory service to its other customers.

C. Adjustment Provisions. If the average power factor at which electric energy is delivered to the customer during the billing period is 95 percent or more, no adjustment will be made in the customer's billing for that period, unless otherwise provided in written contract.

If such average power factor is less than 95 percent, the customer's billing shall be adjusted as follows:

1. For demand type rate schedules which serve other than arc furnace loads, the measured demand in kilowatts shall be adjusted by multiplying by 0.95 and dividing the result by the average power factor. Such adjusted demands shall then become and thereafter be used as a basis for billing.
2. For demand type rate schedules which serve arc furnace loads, the measured demand in kilowatts shall be adjusted by multiplying by 0.90 and dividing the result by the average power factor. Such adjusted demands shall then become and thereafter be used as a basis for billing.
3. Minimum charges shall be determined on the basis of 1 or 2 above, as applicable.
4. For loads up to 75 kilowatts connected, Tacoma Power may elect not to apply the adjustment provisions herein established.

D. Minimum and Average Power Factor. Unless otherwise specifically agreed, Tacoma Power shall not be obligated to deliver electric energy to the customer at any time at a power factor below 80 percent lagging.

The average power factor (APF) is determined as follows:

1. As determined with a watt-hour meter and a var-hour meter:

$$\begin{array}{rcl}
 A & & \text{Kilowatt – hours} \\
 P & = & \frac{}{} \\
 F & & \sqrt{(\text{Kilowatt-hours})^2 + (\text{Reactive Kilovolt Ampere-hours})^2}
 \end{array}$$

The var-hour meters for measurement of reactive power shall be ratcheted to prevent reverse registration.

E. Service Conditions. Applicable provisions of the City Code, General Provisions and Customer Service Policies governing the sale of electric energy shall apply.

(Ord. 26848 § 18; passed Sept. 18, 2001: Ord. 26628 § 1; passed May 16, 2000: Ord. 24050 § 13; passed Mar. 29, 1988: Ord. 23372 § 10; passed Apr. 16, 1985: Ord. 22460 § 11; passed Jul. 7, 1981: Ord. 21917 § 10; passed Dec. 11, 1979: Ord. 19320 § 2; passed Apr. 6, 1971)

12.06.314 Tax credit – Schedule TC.

A. Availability. This schedule is a supplemental schedule to all other Light Division electric rate schedules and is applicable to customers on whom the Department is not legally obligated to pay the State of Washington Public Utility Tax and/or any other taxes.

B. Monthly Rate. The sum of all applicable electric rate schedule charges to such customers shall be reduced by an amount equal to the State of Washington Public Utility Tax and/or any other applicable taxes.

The following formula will be used:

Revised Charge =(1 - ST - OT) x (the sum of all applicable electric rate schedule charges)

where: ST = State of Washington Public Utility Tax rate

OT = Any other taxes

(Ord. 26628 § 1; passed May 16, 2000: Ord. 25076 § 9; passed Mar. 24, 1992)

12.06.315 Supplemental municipal service – Schedule M. *Repealed by Ord. 27150.*

(Ord. 27150 § 6; passed Oct. 7, 2003: Ord. 26628 § 1; passed May 16, 2000: Ord. 25460 § 12; passed Mar. 22, 1994: Ord. 24818 § 1; passed Jan. 15, 1991: Ord. 24050 § 14; passed Mar. 29, 1988: Ord. 23877 § 1; passed Jun. 23, 1987)

12.06.317 Cost adjustment clause.⁴ *Repealed by Ord. 26848.*

(Ord. 26848 § 19; passed Sept. 18, 2001: Ord. 26628 § 1; passed May 16, 2000: Ord. 25764 § 2; passed Sept. 26, 1995: Ord. 25681 § 16; passed Mar. 21, 1995: Ord. 25460 § 13; passed Mar. 22, 1994: Ord. 25076 § 10; passed Mar. 24, 1992: Ord. 24584 § 15; passed Mar. 20, 1990: Ord. 24050 § 15; passed Mar. 29, 1988)

12.06.318 Power Purchased From Bonneville Power Administration – Cost Adjustment Clause – Schedule PPCAC. *Repealed by Ord. 27227.*

(Ord. 27227 § 1; passed Apr. 27, 2004: Ord. 27190 § 1; passed Jan. 29, 2004: Ord. 27146 § 1; passed Sep. 30, 2003: Ord. 27058 § 9; passed Mar. 18, 2003)

12.06.320 Additional rules may be made by director.

The Director of Utilities may make such rules and regulations governing the operation of this chapter as are not inconsistent with its provisions including monthly billing on designated accounts as may be necessary to effectively administer monthly or bimonthly billing. The Director may grant reasonable adjustments in cases where the terms of this chapter place an injustice upon a customer if after written evidence has been presented to the Department it is shown that irregular circumstances of the customer's load, service and/or conditions warrant such adjustments.

(Ord. 24584 § 16; passed Mar. 20, 1990: Ord. 24050 § 16; passed Mar. 29, 1988: Ord. 19320 § 2; passed Apr. 6, 1971)

12.06.330 Customer service policies – Additional rules and regulations.

The Director of Utilities shall promulgate and enforce such customer service policies and related additional rules and regulations which may be deemed necessary from time to time to implement, encourage, and/or facilitate the use of electric energy, pursuant to a Public Utility Board resolution approving the same, copies of which data will be placed on file with the Clerk of the Public Utility Board and made available for information at the Department.

(Ord. 26848 § 20; passed Sept. 18, 2001: Ord. 19320 § 2; passed Apr. 6, 1971)

12.06.340 Violations – Penalties – Enforcement.

A. Any person violating any of the provisions relating to the rate schedules, general provisions and customer service policies governing the sale of electric energy shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not exceeding \$1,000.00, or imprisonment for a period not to exceed one year or both such fine and imprisonment; and in addition to the penalty hereinabove provided, the service to the premises of any person found guilty of violating these provisions shall be disconnected. The person violating same shall be liable for all damages resulting and for all energy used by reason of such violation.

B. Whenever the Building Inspector or the Health Officer or the Electrical Inspector shall report in writing to the Director that any building is considered as a structure not fit for human habitation, dangerous to human life or unsanitary, the Director may cause the electric service to be discontinued effective with the date of the evacuation or other order and not to be restored until it has been declared by proper authority that the building is in a satisfactory condition for occupancy.

C. Legal enforcement shall be vested in the Police Department of the City and all prosecutions for violations hereof shall originate in the Police Court of the City of Tacoma. The penalties provided herein are in addition to any civil remedy provided at law.

(Ord. 25460 § 14; passed Mar. 22, 1994: Ord. 19320 § 2; passed Apr. 6, 1971)

12.06.350 Severability.

If any clause, sentence, paragraph, subdivision, section or part of the provisions relating to the rate schedules, general provisions and customer service policies governing the sale of electric energy shall for any reason be adjudged to be invalid, such judgment shall not affect, impair, or invalidate the remainder of the chapter, but shall be confined in its operation to the

⁴ Code Reviser's Note: Ord. 25764 § 1 provides: Section 12.06.317 of the Official Code of the City of Tacoma is hereby declared to be not applicable to the 1995 Bonneville Power Administration general rate increase.

clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

(Ord. 19320 § 2; passed Apr. 6, 1971)

12.06.360 Temporary surcharge rates. *Repealed by Ord. 26848.*

(Ord. 26848 § 21; passed Sept. 18, 2001; Ord. 26785 § 1; passed Mar. 13, 2001; Ord. 26762 § 1; passed Dec. 19, 2000)

Chapter 12.07

ELECTRIC ENERGY – INTERCHANGE OF SURPLUS POWER

Sections:

- 12.07.010 Authority to interchange surplus power or energy. Effective April 11, 2011.
 12.07.020 *Repealed.*
 12.07.030 *Repealed.*
 12.07.100 Pricing telecommunications services.
 12.07.101 *Repealed.*

12.07.010 Authority to interchange surplus power or energy. Effective April 11, 2011.

The Superintendent of the Light Division of the Department of Public Utilities, with the approval of the Director of Utilities, is hereby authorized to sell, purchase, exchange or interchange surplus electric power or energy as approved by the Public Utility Board subject to the limitations imposed by state and federal law.

(Ord. 27976 Ex. A; passed Mar. 29, 2011: Ord. 25052 § 1; passed Feb. 4, 1992: Ord. 20381 § 1; passed Mar. 25, 1975: Ord. 15746 § 1; passed Dec. 3, 1956)

12.07.020 Load factoring rates. *Repealed by Ord. 27976.*

(Ord. 27976 Ex. A; passed Mar. 29, 2011: Ord. 20381 § 2; passed Mar. 25, 1975: Ord. 15746 § 2; passed Dec. 3, 1956)

12.07.030 Surplus power or energy rates. *Repealed by Ord. 27976.*

(Ord. 27976 Ex. A; passed Mar. 29, 2011: Ord. 20381 § 3; passed Mar. 25, 1975: Ord. 15746 § 3; passed Dec. 3, 1956)

12.07.100 Pricing telecommunications services.⁵

A. The pricing for Telecommunications products and services shall be set forth on a Rate Card which shall delineate the various prices for each category or tier of service, special or premium services (movie channels), and range of pricing for pay-per-view and special event programming, plus any connection charge services, if applicable. The pricing set forth on the Rate Card, and any changes to the prices set forth in the Rate Card, require the approval of the Public Utility Board and City Council as set forth in section B below.

B. The Public Utility Board and City Council may adopt the Telecommunications products and services pricing Rate Card by resolution or ordinance; provided, however, that any such resolution approval by the City Council shall be followed, within 90 days, by a Rate Card pricing ordinance.

C. The Public Utility Board and City Council approved Rate Card pricing for premium channels, pay-per-view and special event programming may be discounted or repackaged by the Director, provided such action results in a total combined pricing no higher than that set forth on the Rate Card.

D. Nothing herein prohibits the Public Utility Board from initiating and implementing pricing changes, subject to approval by the City Council as authorized by the City Charter.

(Ord. 26269 § 1; passed Jul. 14, 1998)

12.07.101 Terms of agreement. *Repealed by Ord. 25052.*

(Ord. 25052 § 1; passed Feb 4, 1992: Ord. 17281; passed Mar. 13, 1963)

⁵ Code Reviser's Note: Section 12.07.100 used to be entitled Agreement authorized and was repealed by Ord. 25052.

Chapter 12.08

WASTEWATER AND SURFACE WATER MANAGEMENT – REGULATION AND RATES⁶

Sections:

- 12.08.005 Purpose and policy.
- 12.08.007 Applicability and administration.
- 12.08.010 Definitions.
- 12.08.020 Prohibitions on discharges - Sanitary.
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- 12.08.040 Limitations on wastewater strength.
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- 12.08.080 Prohibited, allowable, and conditional discharges – Storm.
- 12.08.090 Stormwater program requirements.
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- 12.08.410 *Repealed.*
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- 12.08.450 New services - Rates.
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- 12.08.550 *Repealed.*

⁶ Disposal systems, installation and connection – See Section 2.12.040. Authority to operate – See RCW 80.40.020 and 35.21.210.

- 12.08.560 Low impact development stormwater and surface water systems.
- 12.08.600 Billing periods, payments, and collections.
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- 12.08.620 Contracts with the state, sewer or water districts and other municipal corporations.
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- 12.08.640 Environmental Services Conservation Loan Program.
- 12.08.650 *Repealed.*
- 12.08.660 *Repealed.*
- 12.08.670 Violation - Penalties.
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- 12.08.700 Utility Reimbursement Agreements Wastewater and Surface Water Utility Improvements.
- 12.08.720 Side Sewer Condition Education Requirement.
- 12.08.740 Side Sewer and Sanitary Sewer Availability Manual.

12.08.005 Purpose and policy.

Pursuant to the authority conferred by RCW 90.48, this chapter sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) and the storm drainage system of the City of Tacoma, and allows the City to comply with all applicable state and federal laws including, but not limited to, the Clean Water Act, the General Pretreatment Regulations, 40 CFR Part 403, and the Stormwater Regulations in 40 CFR Parts 122, 123, and 124. The objectives of this chapter are to:

- A. Prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW, or otherwise be incompatible with the POTW;
- B. Prevent the introduction of pollutants into the POTW that will pass through the POTW inadequately treated, into receiving waters;
- C. Protect personnel who may be affected by wastewater and biosolids in the course of their employment, and to protect the general public;
- D. Ensure that the quality of POTW biosolids is maintained at a level that allows its use and disposal in compliance with applicable statutes and regulations;
- E. Improve the opportunity to recycle and reclaim wastewater and biosolids from the POTW;
- F. Support economic development with the establishment of a new program to support conservation of the municipal sewer system through economic incentives and technical assistance for wastewater source control and wastewater pretreatment processes;
- G. Fix the price of service for the City's POTW;
- H. Fix the price of service for the City's storm water system;
- I. Provide for the control of the quantity and quality of the water discharged into the municipal storm drainage system so as to comply with the City's Stormwater Management Program, its NPDES permits, and applicable state and federal laws;
- J. Manage stormwater to minimize flooding, erosion, and contact with contaminants or pollutants; and to manage runoff from developed properties and construction sites;
- K. Mitigate the impacts of increased runoff due to urbanization, correct or mitigate existing water quality problems related to stormwater, and to help restore and maintain the chemical, physical, and biological integrity of the City's waters for the protection of beneficial uses, including salmon.

The purpose of this chapter is to provide for and promote the health, safety, and welfare of the general public. The provisions of this chapter shall be liberally construed to give full effect to the objectives and purposes for which it was enacted. Compliance with the provisions of this chapter and regulations and manuals referenced under this chapter does not necessarily mitigate all impacts to the environment. Compliance with this chapter and related regulations and manual should not be construed as mitigating all stormwater impacts, and additional mitigation may be required to protect the environment. This chapter does not create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the provisions of this chapter. The primary obligation for compliance with this chapter and for preventing environmental harm on or from property is placed upon responsible parties, as defined by this chapter.

(Ord. 27003 § 1; passed Nov. 19, 2002; Ord. 25802 § 1; passed Dec. 5, 1995; Ord. 25587 § 1; passed Sept. 20, 1994)

12.08.007 Applicability and administration.

A. General. This chapter shall apply to all direct and indirect users of the City's Municipal Sewer System. The Director of the Environmental Services Department is hereby authorized and directed to enforce all provisions of this chapter. The Director shall have the authority to render interpretations of this chapter, and may adopt reasonable rules and administrative procedures to enforce the provisions of this chapter. Such interpretations, rules, and administrative procedures shall be in conformity with the intent and purposes of this chapter.

B. The Director may appoint such number of technical officers, inspectors, and other personnel as shall be authorized from time to time to implement the provisions of this chapter.

C. Inspections. All activities regulated by this chapter, except those exempted under TMC 12.08.090, are subject to inspection by the Director to determine that adequate control is being exercised, or to determine whether an approval is warranted. The Director may establish inspection programs to ensure compliance with the requirements of this chapter and to accomplish its purposes. Inspection programs may be established on any reasonable basis including, but not limited to, routine inspections, random inspections, inspections based upon complaints or other notice of possible violations, inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants, inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the City's NPDES stormwater permit, and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other best management practices.

D. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter or monitor for proper function of stormwater facilities, or whenever the Director or the Director's authorized representative has reasonable cause to believe that there exists in any building or upon any property any condition or violation of this chapter relating to the pollution or the possible pollution of any of the waters of the state, the Director or the Director's authorized representative may enter such building or premises at all reasonable times to inspect the same, collect samples, or to perform any duty imposed upon the Director by this chapter, provided that if such building or premises be occupied, the Director shall first present proper credentials and request entry; and if such building or premises be unoccupied, the Director shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Director shall have recourse to every remedy provided by law to secure entry.

E. Authority to Stop Work. Whenever work is being done that is contrary to the provisions of this chapter, or contrary to the provisions of plans, drawings, specifications, or calculations approved by the Director, then the Director may order the work stopped by notice in writing, served on those persons engaged in or causing the work to be done. Any such persons shall thereafter stop such work until authorized by the Director to proceed.

F. Violations. Violations of this chapter and/or any state and federal regulation the City is authorized to enforce under this chapter may be subject to the enforcement procedures set forth in Tacoma Municipal Code ("TMC") 12.08.200, assessment of supplemental charges under TMC 12.08.610, the penalty provisions of TMC 12.08.670, and the notification and civil penalty provisions set forth in TMC 12.08.675, and any other enforcement provisions authorized by this chapter.

G. Re-inspections. It shall be the duty of the owner or the owner's agent to notify the Director that violations have been corrected, and to request a re-inspection. The Director may require that such request for re-inspection be filed one working day before such inspection if desired. It shall be the duty of the owner or owner's agent to provide safe access to and means for inspection of any corrective work.

H. Plan Review, Approvals, and Permits. Permits for activities or projects regulated under this chapter may be issued pursuant to sections in this chapter, Title 2 and Title 13 of the Tacoma Municipal Code, or other relevant Tacoma Municipal Code authority. Prior to the commencement of work on any stormwater-related activities or projects regulated by this ordinance, plans shall be submitted to the Director for review and approval. The Director shall approve the plans where they show that adequate control is exercised. Approvals and permits granted under this chapter are not waivers of the requirements of any other laws, nor do they indicate compliance with any other laws. Compliance is still required with all applicable federal, state, and local laws and regulations including rules promulgated under authority of this chapter.

The requirements in this chapter are minimum requirements and do not replace, repeal, abrogate, supersede, or affect any other more stringent requirements, rules, regulations, covenants, standards, or restrictions. Where this chapter imposes requirements which are more protective of human health or the environment than those set forth elsewhere, the provisions of this chapter shall prevail.

I. Best Management Practices. Pursuant to the municipal stormwater National Pollutant Discharge Elimination System (NPDES) permit issued by the Washington State Department of Ecology, the Director is authorized to develop and update, as

necessary, the City of Tacoma Stormwater Management Manual, hereinafter referred to as the “Manual.” The Best Management Practices (hereinafter “BMPs”) that are set forth in the Manual are intended to control the quality and quantity of stormwater that is or will be contributed to the City’s storm drainage system as the result of existing discharges and land uses, new development and redevelopment, and stormwater maintenance activities. In those instances where appropriate BMPs are not in the Manual, emerging BMPs may be considered. Emerging BMPs will be considered under the exceptions process in TMC 12.08.095.

J. Regulated Activities. This chapter regulates all direct and indirect discharges to receiving waters and the Municipal Sewer System, including discharges to privately owned catch basins which discharge directly or indirectly to receiving waters or the Municipal Sewer System, and any other direct or indirect discharge to receiving waters or the Municipal Sewer System from real property.

K. Exemptions. In addition to any exemption provided under TMC 12.08.090, development undertaken by the Washington State Department of Transportation in state highway rights-of-way is exempt from the requirements of TMC 12.08.090.D, except to the extent those requirements impose more stringent provisions as provided in Chapter 173-270 WAC, the Puget Sound Highway Runoff Program, and is subject to municipal and construction NPDES permits issued by the Department of Ecology. The Department of Transportation shall submit copies of plans for these exempt development activities to the Director.

(Ord. 28093 Ex. E; passed Oct. 16, 2012; Ord. 27978 Ex. A; passed Apr. 26, 2011; Ord. 27538 § 1; passed Oct. 24, 2006; Ord. 27003 § 2; passed Nov. 19, 2002; Ord. 25802 § 2; passed Dec. 5, 1995; Ord. 25587 § 2; passed Sept. 20, 1994)

12.08.010 Definitions.

Words and phrases used in this chapter shall be interpreted as defined below. Where ambiguity exists, technical words or phrases shall be interpreted in accordance with the City’s Manual; nontechnical words or phrases shall be given their dictionary meaning.

Any pretreatment limit or prohibitive standard (federal, state, and/or local) contained in this chapter deemed to be the most restrictive with which commercial/industrial users will be required to comply.

“Accessory Dwelling Unit (ADU).” A second subordinate dwelling unit located on the same lot as a single-family dwelling (hereinafter referred to as the “main dwelling”) and either within the same building as the main dwelling or in a detached building, with a provision for independent cooking, living, sanitation, and sleeping.

“AKART.” The application of all known, available, and reasonable methods of prevention, control, and treatment to storm and surface water and wastewater discharges as required by chapter 90.48. RCW.

“Approval.” The determination by the Director that the proposed or completed work or activity conforms to this chapter.

“Authorized representative of the user.”

1. If the user is a corporation:

- a. The president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
- b. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

2. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively;

3. If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his or her designee;

4. The individuals described in paragraphs 1 through 3 above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

“Availability.” Those premises which are determined per the Side Sewer and Sanitary Sewer Availability Manual to have a wastewater sewer available for connection to the premises.

“Basin Plan.” A plan to manage the quality and quantity of surface water or stormwater in a watershed or basin.

“Batch discharge.” Any single discharge that is specifically allowed under a wastewater permit or Special Approved Discharge authorization and requires the prior written approval of the Director before discharge to the sanitary sewer system may begin.

“Best Management Practices” or “BMPs.” Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and education practices, maintenance procedures, and structural or managerial practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operation procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage. BMPs for stormwater management are listed and described in the City of Tacoma’s Stormwater Management Manual. The term “Best Management Practice” shall also include any City-approved schedule of activities, treatment practices, prohibitions of practices, maintenance procedures, and other management practices based on applicable Pretreatment Standards in 40 CFR Part 403, federal categorical effluent standards, local limits, and state and local laws which are implemented by a user to prevent pollutants from entering a facility’s waste stream and causing “interference” or “pass through,” as these terms are defined under 40 CFR Part 403.3 and TMC 12.08.010.

“BOD” (Biochemical Oxygen Demand). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade, expressed in parts per million or milligrams per liter (mg/L) by weight, using “Standard Methods,” 17th Edition, or other approved methods in 40 CFR Part 136.

“Categorical pretreatment standards.” The limitations on pollutant discharges to Publicly Owned Treatment Works (POTWs) promulgated by the U.S. Environmental Protection Agency (USEPA) in accordance with Section 307 of the Clean Water Act (CWA), that apply to specified process wastewater of particular industrial categories (40 CFR Chapter I, Subchapter N, Parts 405-471 and amendments thereto).

“City.” The City of Tacoma, Washington, a municipal corporation organized and existing under and by virtue of the laws of the state of Washington. “Within the city” means within the City boundaries as now or hereafter constituted.

“Clean Water Act or “CWA.” The Federal Water Pollution Control Act, as amended (33 USC 1251 et seq.).

“Color.” The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

“Commercial and/or industrial discharger (discharger/user).” Any nonresidential user who discharges an effluent into the Municipal Sewer System by any means including, but not limited to, pipes, conduits, pumping stations, force mains, tank trucks, constructed drainage ditches, surface water intercepting ditches, intercepting ditches, and all constructed devices and appliances appurtenant thereto, including over-land flow.

“Commercial and/or industrial waste.” Any liquid, solid, or gaseous substance, or combination thereof, resulting from or used in connection with any process of industry, manufacturing, commercial food processing, food service establishment, business, agriculture, trade or research including, but not limited to, development, recovering, or processing of natural resources, and leachate from landfills or other disposal sites.

“Director.” The Director of the Environmental Services Department of the City of Tacoma or his or her authorized representative.

“Discharger.” A “commercial and/or industrial discharger,” as defined in TMC 12.08.010, and shall also include any property owner, business owner, multi-family residential property owner, tenant, residential homeowner or homeowner’s association/representative group, or any other individual, company, or vessel residing and/or conducting business within Tacoma that discharges wastewater or stormwater directly or indirectly to Tacoma’s municipal sewer system and/or receiving waters.

“Domestic User (Residential User).” Any person who contributes, causes, or allows the contribution of wastewater into the (City) POTW that is of a similar volume and/or chemical makeup to that of a residential dwelling unit.

“Domestic waste.” Water carrying human wastes including kitchen wastes, bath wastes, and laundry wastes that are typical of residential discharges, but does not include industrial wastes. Domestic wastes may be discharged by residential users, and by commercial and/or industrial dischargers.

“Effluent Limit.” Any restriction, prohibition, or specification established under 40 CFR Part 403, Chapter 173.220 WAC, or Chapter 12.08 TMC that regulates the quantities, rates, percent removal, and/or concentrations of physical, chemical, or biological characteristics of wastes which are discharged into the Municipal Sewer System, including Best Management Practices for the prevention or control of such waste discharges.

“Emerging BMP.” A BMP that has not been tested and evaluated by the Department of Ecology in collaboration with local governments and technical experts.

“Erosion.” The wearing away of the land surface as a result of the movement of water, wind, ice, or any other means.

“Erosion and Sediment Control.” Any temporary or permanent measures taken to reduce erosion, control siltation and sedimentation, and ensure that sediment-laden water does not leave a given site.

“Excessive discharge.” Any wastewater released directly or indirectly to the Municipal Sewer System at a rate and/or concentration greater than that which has recently been monitored or would normally be expected from a classified commercial/industrial discharger.

“Food Service Establishment.” Any facility, which serves, prepares, processes, manufactures, or packages food for consumption such as a restaurant, commercial kitchen, caterer, hotel, school, hospital, detention facility, or care institution.

“Ground water.” Water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

“Illicit Connection.” Any connection to the City’s stormwater drainage system, identified by the Director, that could convey anything not composed entirely of surface water and stormwater directly to surface water, stormwater, or groundwater. Illicit connections are prohibited unless the connection conveys approved discharges, or conveys discharges pursuant to an NPDES permit (other than an NPDES stormwater permit), or State Waste Discharge Permit.

“Illicit Discharges.” Any direct or indirect non-stormwater discharge or spill to the City’s stormwater drainage system, ground water, or receiving waters within Tacoma city limits. Illicit discharges may also include, but are not limited to, discharges of industrial process water, discharges from sanitary sewer connections and interior floor drains, and discharges from car-washing activities and gray water systems.

“Impervious surface.” A surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Further definition may be found in the City’s Manual.

“Industrial wastewater permit” (“wastewater permit”). A permit to discharge wastewater into the Municipal Sanitary Sewer System issued under the authority of this chapter which prescribes certain requirements and limitations.

“Interference.” A discharge which:

1. Alone or in conjunction with a discharge(s) from other sources, inhibits or disrupts the normal operation of the Municipal Sewer System; or
2. Causes a violation, or increases the magnitude of, or extends the duration of an existing violation, of any requirement of the City’s POTW-NPDES permit(s); or
3. Prevents the use or disposal of sewage sludge or biosolids in accordance with local, state, and federal regulations and any permits issued thereunder, including the Clean Water Act, Section 405; the Solid Waste Disposal Act (including Title II, also known as the Resource Recovery and Conservation Act, and any state regulations contained in any state sludge management plan); the Clean Air Act; the Toxic Substances Act; and the Marine Protection, Research and Sanctuaries Act.

“Land-disturbing activity.” Activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, demolition, construction, clearing, grading, filling, stockpiling, excavation, and land modification.

“Manual.” The manual referred to in this ordinance is the City of Tacoma’s Stormwater Management Manual, as amended.

“Manual (Department of Ecology).” The manual refers to the latest version of the Washington State Department of Ecology’s stormwater management manual, applicable to Western Washington.

“Multiple-family residence” is any premise consisting of two or more living units served through a single water meter.

“Municipal Sewer System.” The system of conduits, pumps, treatment plants, structures, and properties including, without limitation, all properties, interests, physical and intangible rights of every kind or nature owned or held by the City and all appurtenances thereto, however acquired, insofar as they relate to or concern drainage, transportation, storage or treatment, in any manner whatsoever, of waste matter or stormwater and surface water of any nature now or hereafter permitted by this chapter to enter the Municipal Sewer System. Sanitary sewers and storm drains, separately and in combination, are, without limitation, included in the Municipal Sewer System.

“New development.” Land-disturbing activities; structural development including construction, installation, or expansion of a building or other structure; creation of impervious surfaces; and subdivision and short subdivision of land as defined in RCW 58.17.020.

“New source.” Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after publication of proposed pretreatment standards under Section 307(c) of the Federal Water Pollution Control Act (FWPCA) which will be applicable to such sources if such standards are thereafter promulgated in accordance with that section, provided that:

1. The building, structure, facility or installation is constructed at a site at which no other source is located; or
2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
3. The production or wastewater-generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of paragraphs (2) or (3) above, but otherwise alters, replaces, or adds to existing process or production equipment.

Construction of a new source as defined under this section has commenced if the owner or operator has:

1. Begun, or caused to begin as part of a continuous on-site construction program:
 - a. Any placement, assembly, or installation of facilities or equipment, or
 - b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this section.

“New user.” A person that submits an application for and receives a new building permit from the City for a structure that will discharge wastewater to the Municipal Sewer System or any person who occupies an existing building and plans to discharge wastewater to such system. Any person that buys an existing facility that is discharging commercial and/or industrial wastewater will be considered an “existing user” if no significant changes are made in the manufacturing operation. The term “new user” shall not mean a “new source” or “existing source,” as defined in 40 CFR Part 403.3.

“Noncontact cooling water.” Water that does not mix, communicate with, or come into direct contact with any raw material, intermediate product, waste product, or finished product, and to which the only pollutant added is heat.

“North American Industry Classification System (NAICS) Code.” The NAICS, which replaces the Standard Industrial Classification (SIC) Code is an industrial classification scheme developed by the United States Office of Management and Budget used to classify business establishments for the collection, tabulation, presentation, and analysis of statistical data describing the U.S. economy.

“NPDES permit.” A permit issued to the City of Tacoma by the Department of Ecology under the National Pollutant Discharge Elimination System program. Examples of NPDES permits include a POTW NPDES permit, a municipal stormwater NPDES permit, a construction stormwater NPDES permit, a sand and gravel NPDES permit, and an industrial stormwater NPDES permit.

“Open space parcel with forested land cover.” An undeveloped parcel of land where trees cover the majority of the land surface which is dedicated by deed or other instrument to remain in such condition and which reduces the quantity and improves the quality of stormwater collected by Tacoma’s municipal stormwater conveyance systems through infiltration, filtration, storage, evaporation and transpiration.

“Owner.” Any individual, corporation, or entity that holds the title to a real property as shown by the Pierce County Assessor’s records.

“Pass through.” A discharge which exits the POTW into waters of the United States in quantities or concentration which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW NPDES permit (including an increase in the magnitude or duration of a violation).

“Person.”

1. A natural person, including that person’s heirs, executors, administrators, and assigns;
2. A public or private corporation, co-partnership, association, or firm;

3. A government agency or any political subdivision; or
4. Any other entity whatsoever.

Singular includes plural; male includes female.

“pH.” The negative logarithm of the effective hydrogen-ion concentration or hydrogen activity in gram equivalents per liter used in expressing both acidity and alkalinity on a scale whose values run from 0 to 14, with 7 representing neutrality, numbers less than 7 increasing acidity, and numbers greater than 7 increasing alkalinity.

“Pollutant.” Any substance that is discharged to receiving waters or the Municipal Sewer System which is prohibited or limited by the requirements of this chapter. See TMC 12.08.020 through TMC 12.08.080.

“Premises.” A continuous tract of land, building, or group of adjacent buildings under a single control with respect to use of water and responsibility for payment therefor. Subdivision of such use or responsibility shall constitute a division into separate premises as herein defined, except where more than one dwelling is being served through the same water meter, in which case, each of said dwellings shall constitute a separate premises and shall be subject to the same separate charges as if separate single-family dwellings.

“Pretreatment.” The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into Tacoma’s POTW or Municipal Sanitary Sewer System. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes, or by other means, except as prohibited by 40 CFR Part 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR Part §403.6(e).

“Pretreatment requirements.” Any substantive or procedural requirement related to pretreatment other than a National Pretreatment Standard imposed on a Commercial and/or Industrial User.

“Pretreatment standard.” Any regulation containing pollutant limitations promulgated by the EPA in accordance with 33 U.S.C. § 1317(b) and (c) and 40 CFR Parts 401 through 471. The term “pretreatment standard” also includes any prohibited discharge standards, categorical pretreatment standards, BMPs, local limits established by the City, and Effluent Limits.

“Private side sewer.” The term private side sewer shall be defined according to TMC 12.08.720.

“POTW.” The Publicly Owned Treatment Works, which includes any devices and systems, owned by a state or municipality, used in the collection, transportation, storage, treatment, recycling, and reclamation of wastewater.

“Receiving Water.” The surface water, ground water, water course, or wetland receiving drainage water within Tacoma City limits. Surface water includes, but is not limited to, bays, waterways, rivers, and creeks.

“Redevelopment.” The creation or addition of impervious surfaces on a site that has already been substantially developed, including structural development, construction, installation or expansion of a building or other structure, and/or replacement of impervious surface that is not part of a routine maintenance activity, and land-disturbing activities associated with structural or impervious redevelopment.

“Residential user.” Any single-family or multi-family customer discharging wastewater limited to kitchen wastes, human wastes, and housekeeping cleaning materials, in volumes and/or concentrations normally discharged from these classes of customers.

“Responsible party.” Any or all of the following persons: owners or occupants of property within the City of Tacoma and/or any person causing or contributing to a violation of the provisions of this chapter.

“Runoff.” Water originating from rainfall or other precipitation that is found in drainage facilities, rivers, streams, seeps, ponds, lakes, and wetlands as well as shallow groundwater. It also means the portion of rainfall or other precipitation that becomes surface flow or interflow.

“Sanitary sewers.” Those portions of the Municipal Sewer System which are designated by the Director to carry, treat, or dispose of wastewater not constituting storm or surface water permitted by or under this chapter to enter the Municipal Sewer System. Sanitary sewers are also referred to in this chapter and have the same definition as wastewater sewers.

“Significant Industrial User (SIU).” Except as provided in subparagraph 3, “significant industrial user” means:

1. All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N.

2. Any other industrial user which discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding domestic, noncontact cooling and boiler blowdown wastewater); or contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW; or is designated as such by the Director on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation; or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8 (F)(6), as found in 55 FR 30128, July 24, 1990).

3. Upon finding that an industrial user meeting the criteria in paragraph 2 above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirements, the Director may, at any time, on his or her own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR 403.8(F)(6), determine that such industrial user is not a significant industrial user.

"Significant noncompliance" with applicable pretreatment requirements exists when a violation by an industrial user meets one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(l));
2. Technical Review Criteria (TRC) violations, defined as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
3. Any other violation(s) of a Standard or Requirement as defined by 40 CFR Part 403.3(l) daily maximum, long-term average, instantaneous limit, or narrative standard that the Director determines has caused, alone or in combination with other discharges, interference or pass through or endangered the health of the general public or sewage treatment personnel);
4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
5. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in an industrial wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
6. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
7. Failure to accurately report noncompliance;
8. Any other violation or group of violations which may include a violation of Best Management Practice, the Director determines will adversely affect the operation or implementation of the City's Pretreatment Program.

"Significant noncompliance" with requirements for discharges to the storm drainage system or receiving water exists when an instance of noncompliance or Code violation meets one or more of the following criteria:

1. Any discharge or potential discharge of a pollutant that has caused or may cause a threat to human health, public safety or the environment, or that has resulted in the exercise of emergency authority to halt or prevent such a discharge;
2. Failure to complete a required corrective action within 30 days after the scheduled date required in a Notice of Violation, Corrective Action, or other enforcement document.
3. Any other violation or group of violations that the Director determines will adversely affect the operation and implementation of the City's Stormwater Management Program or its NPDES permit.

"Single-family residence."

1. Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, for use by not more than one family;
2. Instances in which more than one residence is served through a single water meter; and
3. Those individual units within multi-family complexes that are served by a separate water meter.

"Slug load." Any discharge at a flow rate or concentration which could cause a violation of any Pretreatment Standard or Requirement, as defined by 40 CFR Part 403.3(1) or this chapter, including any discharge of a nonroutine, episodic nature, including, but not limited to, an accidental spill or a noncustomary batch discharge.

“Source Control.” Actions, activities, and the implementation of BMPs to prevent or reduce the introduction of contaminants to the Municipal Sewer System. Examples include, but are not limited to: segregating or isolating waste; enclosing, covering, or containing the activity to prevent contact with stormwater; developing and implementing inspection and maintenance programs; sweeping; and taking management actions such as training employees on pollution prevention.

“Spill.” An unauthorized discharge of a pollutant enumerated in TMC 12.08.080 to the municipal sewer system or receiving waters within Tacoma City limits.

“Storm drainage facility.” Any constructed facility or natural feature that collects, conveys, or stores surface water and stormwater runoff. Drainage facilities include, but are not limited to, stormwater conveyance and containment facilities including pipelines, constructed channels and ditches, infiltration facilities, retention and detention facilities, stormwater treatment facilities, erosion and sediment control facilities, and all other drainage structures and appurtenances.

“Storm drains.” Those portions of the Municipal Sewer System which do, or are designated by the Director to, detain or retain, carry or dispose of stormwater and surface water and such other waters as are not required by or under this chapter or other applicable law to be disposed of through sanitary sewers, in accordance with the provisions hereinafter set forth. Storm drains shall, without limitation, include all properties, interests and rights of the City insofar as they relate to or concern storm or surface water sewerage, whether natural or constructed, in and to the drainage or storage, or both, of storm or surface waters, or both, including without limitation through, under or over lands, landforms, watercourses, sloughs, streams, ponds, lakes and swamps.

“Stormwater.” Runoff during and following precipitation and snowmelt events, including surface runoff, drainage, and interflow.

“Stormwater Pollution Prevention Plan (SWPPP).” A document which describes the best management practices and activities to be implemented by a person to identify sources of pollution or contamination at a premises or parcel and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

“Suspended solids.” Solids that either float on the surface of or are in suspension in water, sewage, or other liquid; and which are removable by laboratory filtering using Standard Methods, 17th Edition.

“TMC.” The Tacoma Municipal Code.

“Toxic pollutant.” Those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the Director, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring.

“Track-out.” Material such as dirt, mud and other debris that is deposited on paved public streets or alleys by vehicles exiting a construction site or a commercial or industrial facility.

“Upset.” An exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the applicable pretreatment standards due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

“User or Industrial User.” A nondomestic source of an indirect discharge to the municipal sanitary sewer system.

“WAC.” The Washington Administrative Code.

“Wastewater.” Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated.

“Wastewater sewer.” Those portions of the Municipal Sewer System which are designated by the Director to carry, treat or dispose of wastewater not constituting storm or surface water permitted by or under this chapter to enter the Municipal Sewer System. Wastewater sewers are also referred to in this chapter and have the same definition as sanitary sewers.

(Ord. 28261 Ex. A; passed Dec. 9, 2014; Ord. 28128 Ex. A; passed Feb. 12, 2012; Ord. 28093 Ex. E; passed Oct. 16, 2012; Ord. 27978 Ex. A; passed Apr. 26, 2011; Ord. 27538 § 2; passed Oct. 24, 2006; Ord. 27285 § 2; passed Nov. 2, 2004; Ord. 27003 § 3; passed Nov. 19, 2002; Ord. 25802 § 3; passed Dec. 5, 1995; Ord. 25587 § 3; passed Sept. 20, 1994; Ord. 24879 § 1; passed May 21, 1991; Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.020 Prohibitions on discharges – Sanitary.

A. General Prohibitions. No person shall discharge or permit or cause the discharge of waste into the Municipal Sanitary Sewer System that may cause, either alone or by interaction with other materials, pass through or interference.

B. Specific Prohibitions. In addition, it is unlawful to discharge, cause to discharge, or allow to be discharged directly or indirectly the following pollutants into the City's Municipal Sewer System:

1. Wastewater containing substances:

- a. In concentrations that inhibit or interfere with the operation or performance of the Municipal Sewer System; or
 - b. That are not amenable to treatment or reduction by the sewage treatment process employed, or are only partially amenable to treatment, such that the POTW's effluent cannot meet the requirement of any agency having jurisdiction over the POTW; or
 - c. In concentrations in excess of limitations imposed in a permit issued by the City or other regulatory agency having jurisdiction; or
 - d. That impair the use or disposal of POTW sludge and sludge products pursuant to state and federal statutes, including, but not limited to the Solid Waste Disposal Act (42 USC §6901), the Clean Water Act (42 USC §1857), the Toxic Substance Control Act (15 USC §2601).
2. Pollutant(s) which create a fire or explosion hazard in the Municipal Sanitary Sewer System, including, but not limited to, wastewater with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees centigrade (using test methods prescribed in 40 CFR Part 261.21);
 3. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
 4. Any solid or viscous substance capable of obstructing wastewater which will or may cause obstruction to the flow of wastewater or other interference with the operations of the Municipal Sanitary Sewer System;
 5. Any noxious, malodorous or toxic liquids, gases, vapors or fumes, solids, or other substances which, either singly or by interaction with other wastewaters may cause acute or chronic worker health and safety problems, a public nuisance, a hazard, or interference with any part of the Municipal Sanitary Sewer System;
 6. Any waste, wastewaters or substances having a pH less than 5.5 or greater than 11.0, or those capable of causing damage to structures, equipment, processes or personnel of the sewer system, unless these limits are modified by a wastewater discharge permit, or by a special approved discharge authorization;
 7. Pollutants which cause corrosive structural damage to the POTW, but in no event discharges with pH lower than 5.0, unless the POTW is specifically designed to accommodate such discharges.
 8. Any liquid or vapor having a temperature higher than 100 degrees Fahrenheit (37.8 degrees centigrade) unless this limit is modified by an industrial wastewater discharge permit;
 9. Any trucked or hauled contaminants, such as holding or septic tank wastewater or any nondomestic sources, except such wastewater received at designated locations under City contract or permit in accordance with any other applicable requirements of this chapter or rules adopted hereafter;
 10. Any substance with excessive color as determined by the Director, which is not removed in the treatment process;
 11. Any batch discharges that have not received written permission of the Director (batch discharges shall comply with all other requirements of this chapter and rules adopted hereafter);
 12. Any substance which may cause the Municipal Sanitary Sewer System effluent or treatment residues, sludges or sludge products, or scums, to be unsuitable for reclamation and/or reuse or which interferes with the reclamation process. In no event shall a substance discharged to the Municipal Sanitary Sewer System cause the City to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under the Clean Water Act 42 USC 1857; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act (42 USC §6901), , the Toxic Substance Control Act (15 USC §2601), or any other federal or state statute, regulation or standard applicable to the sludge management method being used, or any amendments thereto;
 13. Noncontact cooling water, except as provided in TMC 12.08.080 following issuance of an NPDES permit by the Washington State Department of Ecology;
 14. Any substance which may cause the treatment facilities of the Municipal Sanitary Sewer System to be overloaded or cause excessive City collection or treatment costs, or may use a disproportionate share of the Municipal Sanitary Sewer System or of its treatment facilities;

- 15. Any slug load;
- 16. Any substance that causes the City to violate the terms of its NPDES permit(s);
- 17. Any substance which would be designated as a dangerous waste in accordance with Chapter 173-303 WAC, unless authorized by an industrial wastewater discharge permit issued in accordance with the requirements of TMC 12.08.140.
(Ord. 27978 Ex. A; passed Apr. 26, 2011: Ord. 27538 § 3; passed Oct. 24, 2006: Ord. 25802 § 4; passed Dec. 5, 1995: Ord. 25587 § 4; passed Sept. 20, 1994: Ord. 24879 § 2; passed May 21, 1991: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.030 Prohibitions on storm drainage, ground water and unpolluted water – Sanitary.

Stormwater, groundwater, subsurface drainage, yard drainage, roof drainage, or unpolluted water, including, but not limited to, cooling water or process water, shall not be discharged through direct or indirect connection to any sanitary sewer unless approved by the Director. The Director may, but shall not be required to, approve such discharge only when no reasonable alternative method of disposal is available. If approval is granted for the discharge of such water into a sanitary sewer, the user shall pay the applicable charges and fees and meet such other conditions as required from time to time by the Director.

(Ord. 27978 Ex. A; passed Apr. 26, 2011: Ord. 27948 Ex. B; passed Nov. 16, 2010: Ord. 27857 Ex. A; passed Dec. 8, 2009: Ord. 27003 § 4; passed Nov. 19, 2002: Ord. 25587 § 5; passed Sept. 20, 1994: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.040 Limitations on wastewater strength.

A. Maximum Daily Limits. No person shall discharge wastewater into the Municipal Sanitary Sewer System containing a daily maximum concentration greater than:

- 0.1 mg/l arsenic, total
- 0.25 mg/l cadmium, total
- 0.25 mg/l chromium, hexavalent
- 1.0 mg/l chromium, total
- 1.0 mg/l copper, total
- 0.2 mg/l free cyanide
- 0.64 mg/l total cyanide
- 0.4 mg/l lead, total
- 0.05 mg/l mercury, total
- 1.0 mg/l molybdenum, total
- 1.0 mg/l nickel, total
- 0.1 mg/l selenium, total
- 0.2 mg/l silver, total
- 2.0 mg/l zinc, total
- 50 mg/l petroleum hydrocarbons (silica gel treated-hexane extractable material, SGT-HEM)

The above limits apply at the point where the wastewater is discharged to the Municipal Sanitary Sewer System (end of pipe). All concentrations for metallic substances are for “total” metal unless otherwise indicated. Where a user is subject to a National Categorical Pretreatment Standard and a local limit for a given pollutant, the more stringent limit or applicable National Pretreatment Standard shall apply. The daily maximum is defined as the arithmetic mean of the pollutant concentration calculated from all measurements taken that day.

B. Alternate Standards. The City reserves the right to establish, by ordinance or in wastewater discharge permits, alternate standards or requirements on discharges to the Municipal Sanitary Sewer System for specific user groups. Such alternate standards or requirements shall be based upon, but not limited to, an analysis of available treatment technology, potential economic impacts, and potential impacts to the POTW.

C. Dilution. No discharger shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this chapter.

D. Maintenance. It shall be the responsibility of the owners of all pretreatment devices, including but not limited to, grease traps, grease interceptors, sand/oil interceptors (oil/water separators), and other approved systems, to properly operate and maintain such systems and devices to prevent interference, excessive discharge, slug load, restricted flow, or pass through of any contaminants discharged to the POTW. Maintenance and disposal records shall be kept on site for inspection by the Director.

1. Proper maintenance of pretreatment devices shall mean, at a minimum:

a. For grease traps: unless otherwise approved by the Director, grease traps must be cleaned when the total accumulation of surface fats/oils/greases (including floating solids) and settled solids reaches 25 percent of the grease traps overall liquid depth.

b. For grease interceptors: unless otherwise approved by the Director, grease interceptors must be cleaned when the total accumulation of surface fats/oils/greases (including floating solids) and settled solids reaches 25 percent of the volume of any chamber of the grease interceptor.

c. For sand/oil interceptors: unless otherwise approved by the Director, the interceptor shall be inspected monthly and cleaned if any of the following conditions are present: (1) sludge accumulation => 20 percent capacity of any chamber, (2) oil accumulation => 2 inches, (3) coalescing media plugged, (4) visible sheen on interceptor discharge or, (5) sample results exceed limits in this section.

d. Other approved devices: maintenance of other pretreatment devices shall be conducted in accordance with the manufacturer's specifications for such device and/or Engineering Report and/or Operation/Maintenance Manual approved by the City's Pretreatment Program staff.

(Ord. 27978 Ex. A; passed Apr. 26, 2011: Ord. 27285 § 3; passed Nov. 2, 2004: Ord. 26888 § 1; passed Dec. 4, 2001: Ord. 25587 § 6; passed Sept. 20, 1994: Ord. 24879 § 3; passed May 21, 1991: Ord. 24049 § 1; passed Mar. 29, 1988: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.050 Limitations on radioactive wastes.

No person shall discharge or cause to be discharged, any radioactive waste into the Municipal Sewer System except when that person is authorized to use those radioactive materials by the State Department of Health or other governmental agency empowered to regulate radioactive materials.

(Ord. 27978 Ex. A; passed Apr. 26, 2011: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.060 Limitations on the use of garbage grinders.

Food waste from garbage grinders discharged into the Municipal Sanitary Sewer System shall be properly shredded so that 100 percent will pass a 3/8-inch sieve and 75 percent will pass a 1/4-inch sieve. Persons engaged in the wholesale/retail sale of raw produce shall be limited to one grinder having a prime motor not exceeding five horsepower for the processing of raw produce waste. No discharge permitted by this section may contain plastic, paper products, inert material, garden refuse, or other material prohibited by this chapter.

(Ord. 25587 § 7; passed Sept. 20, 1994: Ord. 24307 § 1; passed Mar. 7, 1989: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.070 Limitations on point of discharge.

Unless authorized by the Director, no person shall discharge any substances directly into a manhole or other opening in the Municipal Sanitary Sewer System other than through an approved building sewer. If such authorization is issued for such direct discharge, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the Director.

(Ord. 25587 § 8; passed Sept. 20, 1994: Ord. 24879 § 4; passed May 21, 1991: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.080 Prohibited, allowable, and conditional discharges – Storm.

A. Prohibited Discharges. No person shall throw, drain, spill, or otherwise discharge, cause, or allow others under its control to throw, drain, spill, or otherwise discharge in the municipal storm drain system and/or surface and ground waters any materials other than stormwater. Examples of prohibited discharges are discharges that are contaminated with the following pollutants:

1. Petroleum products including, but not limited to, oil, gasoline, grease, fuel oil, and heating oil;
2. Antifreeze and other automotive products;
3. Metals in either particulate or dissolved form;

4. Flammable or explosive materials;
5. Radioactive material;
6. Batteries;
7. Acids, alkalis, or bases;
8. Paints, stains, resins, lacquers, or varnishes;
9. Degreasers and/or solvents;
10. Drain cleaners;
11. Pesticides, herbicides, or fertilizers;
12. Soaps, detergents, or ammonia;
13. Steam-cleaning wastes;
14. Swimming pool or spa filter backwash;
15. Chlorine, bromine, or other disinfectants;
16. Heated water;
17. Domestic animal wastes;
18. Sewage;
19. Recreational vehicle waste;
20. Animal carcasses;
21. Food wastes or products, trash, or debris not otherwise enumerated in this section;
22. Bark and other fibrous materials;
23. Lawn clippings, leaves, or branches;
24. Silt, sediment, concrete, cement, gravel, asphalt, or construction materials;
25. Chemicals not normally found in uncontaminated water;
26. Any other process-associated discharge, except as otherwise allowed in this section;
27. Any other material that is regulated as a hazardous substance or hazardous or dangerous waste by federal, state, or local laws and regulations.

B. Allowable Discharges. The following types of discharges shall not be considered prohibited discharges for the purposes of this chapter unless the Director determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or ground water:

1. Diverted stream flows;
2. Rising ground waters;
3. Uncontaminated ground water infiltration- as defined in 40 CFR 35.2005(20);
4. Uncontaminated pumped ground water;
5. Foundation drains;
6. Air conditioner condensation;
7. Irrigation water from agricultural sources that is commingled with urban stormwater;
8. Springs;
9. Water from crawl space pumps;
10. Footing drains;
11. Flows from riparian habitats and wetlands;
12. Discharges from emergency fire fighting activities.

C. Conditional Discharges. The following types of discharges shall not be considered illicit discharges for the purposes of this chapter if they meet the stated conditions, unless the Director determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or ground water:

1. Potable water, including water from water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted if necessary, and in volumes and velocities controlled to prevent resuspension of sediments in the stormwater system. In all cases, the receiving storm pipe shall be monitored for the duration of the discharge to maintain half the full pipe flow rate.
2. Lawn watering and other irrigation runoff are permitted but shall be minimized.
3. Dechlorinated swimming pool discharges. These discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted if necessary and in volumes and velocities controlled to prevent resuspension of sediments in the stormwater system.
4. Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents are permitted if the amount of street wash and dust control water used is minimized. At active construction sites, street sweeping must be performed prior to washing the street.
5. Non-stormwater discharges covered by another NPDES permit, provided, that the discharge is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations and, provided that, written approval has been granted for any discharge to the storm drain system.
6. Other non-stormwater discharges. The discharges shall be in compliance with the requirements of a stormwater pollution prevention plan (SWPPP) reviewed and approved by the Director which address control of such discharges by applying AKART to prevent contaminants from entering surface or ground water. Special approved discharges may be allowable in accordance with TMC 12.08.365.B.
7. All applicable fees as set forth in this section shall be paid.

D. System Overburden. This section shall not be construed to limit in any way the City's ability to deny permission to discharge waters into storm drains when additional waters would overburden City storm systems.

E. Prohibition of Illicit Connections. The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited, regardless whether such connection was lawful at the time it was made. A person is considered to be in violation of this chapter if the person connects a line conveying sewage or any of the substances enumerated in TMC 12.08.020 and TMC 12.08.040 through TMC 12.08.060, as well as this section, to the storm drain system, or allows such a connection to continue.

F. It shall be a violation of this chapter for any person to cause "track out" materials to be deposited on paved public streets or alleys within the City of Tacoma when there is a potential for such materials to be carried by runoff for collection by the municipal storm drain system.

G. Illicit discharges to the City storm drains, receiving waters, or ground waters within Tacoma city limits are prohibited and are subject to all penalties prescribed by this chapter.

(Ord. 28128 Ex. A; passed Feb. 12, 2012; Ord. 27978 Ex. A; passed Apr. 26, 2011; Ord. 27538 § 4; passed Oct. 24, 2006; Ord. 27003 § 5; passed Nov. 19, 2002; Ord. 25802 § 5; passed Dec. 5, 1995; Ord. 25587 § 9; passed Sept. 20, 1994; Ord. 25317 § 1; passed Jun. 8, 1993; Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.090 Stormwater program requirements.

A. Pursuant to the terms of its municipal stormwater NPDES permit, the City of Tacoma has implemented a stormwater management program that includes the use of the Manual. The Director of the Environmental Services Department is authorized to enforce the provisions of the stormwater management program through reasonable rules and administrative procedures, pursuant to TMC 12.08.007.

B. The following activities are regulated through the stormwater management program under this chapter:

1. Existing discharges and land uses that discharge to the storm drains, either directly or indirectly or that discharge to receiving waters within Tacoma city limits, either directly or indirectly.
2. Discharges from new development, redevelopment, and construction activities
3. Stormwater maintenance activities.

C. Minimum Source Control Requirements for Existing Discharges and Land Uses. Source Controls shall be implemented by all businesses and public entities engaged in pollution generating activities.

1. If the Director determines that discharges from an existing commercial or industrial facility cause or contribute to an illicit discharge, a nuisance, a threat to public health and safety, or a violation of the City's municipal stormwater NPDES permit or this chapter, the Director shall require the responsible party to implement and maintain operational BMPs in accordance with Volume IV of the Manual. The Director may also require persons responsible for "track-out" conditions on paved public streets or alleys to implement and maintain operational BMPs in accordance with Volume IV of the Manual to prevent polluted matter from entering the municipal storm drain system. If the Director determines that the discharges causing or contributing to the problem cannot be adequately addressed by operational BMPs, the Director may require the responsible party to undertake more stringent or additional BMPs, which may include structural BMPs or other actions necessary to cease causing or contributing to the problem or violation.

2. Source control activities shall be implemented to the extent necessary to prevent prohibited discharges, as described in TMC 12.08.080, and to prevent contaminants from coming in contact with stormwater. Source control actions include, but are not limited to, segregating or isolating wastes to prevent contact with stormwater; enclosing, covering, or containing the activity to prevent contact with stormwater; developing and implementing inspection and maintenance programs; sweeping; and taking management actions, such as training employees on pollution prevention.

3. Spill prevention shall be required for all businesses and public entities, as defined in rules promulgated by the Director. Minimum requirements for spill prevention shall include developing and implementing plans and procedures to prevent spills and other accidental releases of materials that may contaminate stormwater. This requirement may be satisfied by a Stormwater Pollution Prevention Plan prepared in compliance with an NPDES stormwater permit for the site; the implementation of procedures for immediate containment and other appropriate action regarding spills and other accidental releases to prevent contamination of stormwater; providing necessary containment and response equipment on-site; and training of personnel regarding procedures and equipment to be used.

D. Minimum Requirements for New Development and Redevelopment. New development and redevelopment activities that are required to obtain City permits shall comply with the following minimum requirements, in accordance with the City's municipal stormwater NPDES permit and in accordance with the thresholds and requirements of the City's Manual.

1. Preparation of a Stormwater Site Plan. All projects shall prepare a stormwater site plan for review and approval by the Director.

2. Preparation of a Construction Stormwater Pollution Prevention Plan for erosion and sediment control. This plan shall be designed to comply with the requirements and purposes of the Manual, this section, any other applicable sections of Titles 2 and 13 of the Tacoma Municipal Code, and any departmental guidelines promulgated by the Director. The plan shall be designed, submitted, and implemented to address the following:

- a. Mark clearing limits;
- b. Establish construction access routes and controls;
- c. Control flow rates;
- d. Install sediment controls;
- e. Stabilize soils;
- f. Protect slopes;
- g. Protect storm drain inlets;
- h. Stabilize channels and outlets;
- i. Control pollutants;
- j. Control de-watering;
- k. Maintain BMPs; and
- l. Manage the project.

3. Source Control of Pollutants. Source control BMPs shall be selected, designed, applied, and maintained in accordance with the Manual and any departmental guidelines promulgated by the Director.

4. Preservation of Natural Drainage Systems. Natural discharges from the site shall be maintained, shall occur at the natural location to the maximum extent practicable, and must not cause a significant adverse impact downstream or down gradient.

5. On-site Stormwater Management. Where appropriate, projects shall employ on-site stormwater management BMPs to infiltrate, disperse, and retain stormwater runoff onsite to the maximum extent feasible without causing flooding, erosion, water quality or groundwater impacts. Prior approval of the Director is required for such BMPs.
 6. Runoff Treatment. All projects that meet the thresholds for runoff treatment in Volume 1 of the Manual shall provide water quality treatment in accordance with that Manual.
 7. Flow Control (detention). All projects that meet the thresholds for flow control in Volume I of the Manual shall provide flow control in accordance with the Manual. Additionally, all projects shall address the need to provide water quantity controls according to the design criteria as determined by the Director. The requirement for stormwater detention will also be determined by pipe capacity and stormwater discharge location, as provided in the Manual.
 8. Wetlands. Discharges to wetlands shall maintain the hydrologic conditions, hydrophytic vegetation, and substrate characteristics necessary to support existing and designated functions. Wetland areas are also regulated by Chapter 13.11 of the Tacoma Municipal Code, Critical Areas Preservation.
 9. Geographic Specific Requirements. Projects may be subject to equivalent or more stringent minimum requirements for erosion control, source control, treatment, wetlands protection, and operation and maintenance, and alternative requirements for flow control as a result of basin or watershed plan, in accordance with Volume 1 of the Manual.
 10. Operation and Maintenance Plan. An operation and maintenance manual consistent with City standards shall be provided for all proposed stormwater facilities and BMPs and party, or parties, responsible for operation and maintenance shall be identified. A copy of the Manual shall be retained on site or within reasonable access to the site and shall be transferred with the property to the new owner.
 11. Off-site Analysis and Mitigation. All projects shall include an analysis of off-site water quality and quantity impacts resulting from the project and shall mitigate these impacts if necessary. The analysis shall extend a minimum of one-fourth of a mile downstream from the project. The Director may require that the analysis shall extend further if deemed necessary. The existing or potential impacts to be evaluated and mitigated under this section shall include, but are not limited to:
 - a. Impacts on conveyance system capacity;
 - b. Localized flooding;
 - c. Aquatic habitat (wetlands) impacts;
 - d. Erosion impacts, including landslide hazards;
 - e. Stream bank and channel erosion; and
 - f. Impacts to known water quality or erosion problems;
 12. Financial Liability. Performance bonding and/or other appropriate financial security may be required for all projects to ensure timely and proper completion of improvement, to ensure compliance with the minimum requirements of this chapter, or to warranty materials, workmanship and performance of design.
- E. Stormwater Maintenance Activities. Maintenance of all storm drainage facilities or controls shall be required in accordance with the Manual. The proper maintenance of these controls or facilities is essential for the protection of the City's municipal storm drainage system and the environment. Storm drainage controls or facilities are either privately or publicly owned and maintained. All storm drainage facilities that serve commercial and industrial sites are private. Storm drainage facilities or controls that are privately owned by a homeowner's association or similar organization also are private
1. Maintenance and Inspection. All privately owned storm drainage facilities or controls shall be maintained by the owner, or the homeowner and/or owner association, if one is established as part of a residential or commercial development. All private storm drainage facilities shall be regularly inspected to ensure proper operation and shall monitor the facility or control as required or as set forth in the Manual. The owner, or homeowner and/or owner association shall maintain records of inspection and maintenance, disposal receipts, and monitoring results. The records shall catalog the action taken, the person who took it, the date said action was taken, how it was done, results of any monitoring effort, and any problems encountered or follow-up actions required. The records shall be made available to the City upon request. The owner, or homeowner and/or owner association shall maintain a copy of the Stormwater Operations and Maintenance Manual on site, and shall make reference to such document in real property records filed with the Pierce County Auditor, so others who acquire real property served by the privately owned storm drainage facilities or controls are notified of their obligation to maintain such facilities or controls.
 2. City Inspection. The regular inspection of privately owned storm drainage facilities or controls is essential to enable the City to evaluate the proper operation of the City's municipal storm drainage system and the environment. The City shall have the right to regularly inspect all private storm drainage facilities to ensure they are properly operated and maintained. The City may offer an incentive program to owners to encourage the proper maintenance of private storm drainage facilities.

F. Requirement to Report Spills, Releases, or Illicit Discharges. A responsible party shall report to the Environmental Services Department any spill, release, illicit discharge, or other incident causing a discharge that has contributed or is likely to contribute pollutants to the Municipal Sewer System or receiving water immediately, but no later than twenty-four (24) hours after first becoming aware of such event. Spills shall be reported to the Environmental Services Department. This reporting requirement is in addition to any other reporting requirement imposed, pursuant to federal, state, or local laws and regulations.

(Ord. 28093 Ex. E; passed Oct. 16, 2012; Ord. 27978 Ex. A; passed Apr. 26, 2011; Ord. 27538 § 5; passed Oct. 24, 2006; Ord. 27285 § 4; passed Nov. 2, 2004; Ord. 27003 § 6; passed Nov. 19, 2002)

12.08.095 Exceptions procedure.

A. General. Requests for exceptions from the requirements of TMC 12.08.090 may be made according to this section. An exception may be requested to allow a waiver, a reduction or modification of a requirement, or to permit an alternative requirement. Any such request must be made in writing. The Director shall approve or deny such requests in writing and shall only approve an exception to the extent it is necessary to meet the criteria set forth in this section. An applicant is not entitled to an exception, whether or not the criteria for approval of an exception are met. The Director may require the applicant to submit a Washington State licensed engineer’s report or analysis with a request for an exception. As a condition of approving an exception, the Director may impose new or additional requirements to offset or mitigate harm that may be caused by approving the exception.

B. Equally Protective Exceptions. The Director may approve a request for an exception if the Director determines that it is likely to achieve an equal level of protection of public health, safety and welfare, the environment, and public and private property as the requirement from which an exception is sought.

C. Other Exceptions. The Director also may approve a request for an exception where the criteria in subsection B are not met, or where the Director cannot determine whether the criteria are met, if the Director determines in his or her sole discretion that substantial reasons exist for approving the requested exception and the exception will not cause significant harm. Substantial reasons may include, but are not limited to,

1. The requirement is not technically feasible;
2. An emergency situation necessitates approval of the exception;
3. No reasonable use of the property is possible unless the exception is approved;
4. The requirement would cause harm or a significant threat of harm to public health, safety and welfare, the environment, or public and private property, or would cause extreme financial hardship which substantially outweighs its benefits.

D. The approval of an exception shall not be construed to be an approval of any violation of any of the other provisions of this chapter nor approval of any violation of any other ordinance of the City nor approval of any violation of any other valid law of any governmental entity having jurisdiction. The approval of plans, specifications, and calculations for an exception shall not prevent the Director from thereafter requiring the correction of errors in such plans, specifications, or other data, or from preventing operations being carried on thereunder when in violation of this chapter, or any other ordinance of the City.

E. The following public notice requirements apply whenever a request for an exception to the Minimum Requirements contained in TMC 12.08.090.D (“Request”) is received by the City:

1. Public notice (“Notice”) shall be made to inform the public about the contents of the Request and the Director’s decision to grant or deny it. Notice of the Request and the Director’s decision to grant or deny the Request may be combined.
2. The Notice shall be published, at the requester’s cost, in the City’s newspaper of record and a local newspaper of general circulation within Tacoma. The Notice shall also be published on the surface water section of the City’s website.
3. The Notice shall include: (i) a brief description of the Request; (ii) a brief description of the Director’s decision to grant the Request and the reasons supporting the decision, or a statement that the Request is denied; (iii) where the Request and the Director’s decision to grant or deny the Request can be reviewed; and (iv) the name and contact information of a City employee who can answer questions regarding the Request.
4. The City shall provide a hardcopy of the Director’s decision to grant or deny a Request to the requester. The Director’s decision to approve or deny a Request shall include a reference to the procedures in TMC 12.08.678 for contesting such decision.

F. Appeals to the Hearing Examiner. Appeals of the Director’s decision on Request for an exception shall be made to the Hearing Examiner in accordance with TMC 12.08.678.

(Ord. 27978 Ex. A; passed Apr. 26, 2011; Ord. 27749 Ex. A; passed Oct. 21, 2008; Ord. 27538 § 6; passed Oct. 24, 2006; Ord. 27003 § 7; passed Nov. 19, 2002)

12.08.100 Sampling and testing of wastewater.

Authorized City representatives, bearing proper credentials and identification shall be permitted to enter upon any and all premises at all reasonable times for the purpose of inspection, observation, records examination and copying, measurement, sampling, and testing of wastewater (including storm or surface water) in accordance with the provisions of this chapter.

(Ord. 27538 § 7; passed Oct. 24, 2006: Ord. 25587 § 11; passed Sept. 20, 1994: Ord. 24879 § 6; passed May 21, 1991: Ord. 23240 § 1; passed Aug. 28, 1984.)

12.08.130 Pretreatment of commercial and/or industrial wastewater.

The industrial wastewater pretreatment requirements of this chapter shall apply to all users of the POTW, including those dischargers located outside the political boundary of the City. This chapter authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; and requires user reporting. State requirements and limitations on discharges to the POTW shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations, or those in this chapter or other applicable ordinance.

A. If, as determined by the Director, treatment facilities, operational changes or process modifications at a commercial and/or industrial dischargers facility are needed to comply with any requirements under this chapter or are necessary to meet any applicable state or federal requirements, the Director may require that such facilities be constructed or modified or changed to bring effluent into compliance in the shortest feasible time. All reasonable and economically achievable treatment shall be required to meet discharge limitations and requirements.

B. Any requirement provided for or authorized pursuant to this chapter may be incorporated as a part of an industrial wastewater discharge permit issued under TMC 12.08.140 or any other enforcement document and made a condition of issuance of such permit or made a condition of the acceptance of the wastewater from such facility.

C. Plans, specifications, engineering calculations, and other information relating to the construction or installation of pretreatment facilities required by the Director under this chapter shall be submitted to the Director. All such plans and specifications shall be prepared under the supervision of a professional engineer licensed in accordance with Chapter 18.43 RCW and in accordance with the requirements for approval of industrial wastewater facilities contained in Chapter 173-240 WAC. All copies of these documents submitted for review shall bear the seal of the professional engineer under whose supervision the documents were prepared. No construction or installation shall begin until written approval of the plans and specifications has been given by the City.

D. The approval of plans, specifications, and calculations shall not be construed to be an approval of any violation of any of the provisions of this chapter, nor approval of any violation of any other ordinance of the City of Tacoma, nor approval of any violation of any other valid law of any governmental entity having jurisdiction. An approval shall be invalid if that approval presumes to give authority to violate or cancel the provisions of any valid law. The approval of plans, specifications, and calculations shall not prevent the Director from thereafter requiring the correction of errors in such plans, specifications, or other data, or from preventing operations being carried on thereunder when in violation of this chapter, or any other ordinance of the City of Tacoma.

(Ord. 27978 Ex. A; passed Apr. 26, 2011: Ord. 27538 § 8; passed Oct. 24, 2006: Ord. 27285 § 5; passed Nov. 2, 2004: Ord. 25802 § 6; passed Dec. 5, 1995: Ord. 25587 § 12; passed Sept. 20, 1994: Ord. 24879 § 7; passed May 21, 1991: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.140 Industrial wastewater discharge permits.

A. General. All nondomestic users must notify the Director by completing and submitting a survey to the Environmental Services Department - Science & Engineering Division whenever they intend to connect to the POTW or modify or increase any nondomestic wastestream. The Director may condition or deny any and all waters discharged to the POTW, and may require all information necessary to determine whether a discharger is a significant industrial user (SIU). All significant industrial users, as determined by the Director, that propose to connect to or to discharge sewage, industrial wastes and other wastes to the Municipal Sanitary Sewer System, or propose to change processes which might reasonably be expected to increase the volume and/or concentration of pollutants in the wastestream, shall obtain a wastewater discharge permit before connecting to or discharging to the system or significantly modifying or increasing their wastestreams.

B. Permit Application - Industrial Users Subject to Newly Promulgated Categorical Pretreatment Standards. Any industrial user that was discharging, or was scheduled to discharge, wastewater into the POTW prior to the effective date of the ordinance codified in this chapter, and is subject to a categorical pretreatment standard that was promulgated by the United States Environmental Protection Agency after the effective date of the ordinance codified in this chapter, shall within 180 days after the effective date of such newly promulgated categorical pretreatment standard submit to the City a wastewater discharge permit application. The permit application shall contain information identified in TMC 12.08.140.E.1 through 8. When

completed in accordance with 40 CFR Part 403.12(b), such application may be considered the user's baseline monitoring report (BMR).

C. New Sources and New Users. At least 90 days prior to commencement of discharge, new sources subject to categorical pretreatment standards issued by the United States Environmental Protection Agency, and new users determined to be SIUs shall submit to the City a permit application. The permit application shall contain the information identified in TMC 12.08.140.E.1 through 5. New sources and new users shall give estimates of the information described in TMC 12.08.140.E.1 through 5. New sources and new users determined to be SIUs shall also include in their application such information that adequately describes the method of pretreatment the user will use to meet applicable pretreatment standards. No wastewater discharge permit shall be issued unless and until all required information has been provided.

D. Permit Application - Existing Significant Industrial Users. Any SIU that was discharging wastewater into the POTW prior to the effective date of the ordinance codified in this chapter shall comply with the reapplication requirements of TMC 12.08.210. Upon determination by the Director that any existing user qualifies as a significant industrial user, that existing user shall submit a permit application within 90 days of notification; provided, that the Director determines that such continued discharge is not reasonably expected to violate any applicable pretreatment standard or requirement.

E. Information Required in Permit Applications.

1. Identifying Information. The user shall submit the name and address of the facility including the name of the operator and owner(s).

2. Permits. The user shall submit a list of any environmental control permits either applied for or held by or for the facility.

3. Description of Operations. The user shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operations(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the Municipal Sanitary Sewer System from the regulated processes.

4. Flow Measurement. The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the Municipal Sanitary Sewer System from each of the following:

a. Regulated process streams;

b. Other streams as necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e); and

c. Total process flow, wastewater treatment plant flow, total plant flow or individual manufacturing process flow as required by the Director.

The Director may allow for verifiable estimates of the flows where justified by cost or feasibility considerations.

5. Measurement of Pollutants. The user shall identify the pretreatment standards applicable to each regulated or other process wastestream as determined by the Director, perform sampling and report the results in accordance with the requirements of the industrial wastewater discharge permit application as applicable. All analysis shall be performed by a certified laboratory, in accordance with the provisions of WAC 173-216-125.

a. For baseline and periodic monitoring reports from users, the following requirements shall apply, unless the Director finds they are not necessary to obtain representative results: if pH, cyanide, total phenols, oil and grease, sulfide, or volatile organics are to be sampled, then at least four grab samples shall be taken of these pollutants. All other pollutants must be measured by flow proportional composite samples unless the Director finds that such measurements are not feasible. If the Director finds that such measurements are not feasible, then a time-based or composite of four grab samples shall be taken. For all other users, the user shall take a minimum of one representative sample to compile that data necessary to comply with the permit application requirements.

b. Samples shall be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated processes if no pretreatment exists. The user shall measure the flows and concentrations necessary to allow use of the combined wastestream formula if other wastewaters are mixed with the regulated wastewater prior to pretreatment. Measurements shall be representative of daily operations. Both daily maximum and average concentrations (where determined) shall be reported.

c. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 as amended.

d. The Director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures. Such baseline report shall indicate the time, date and place of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the Municipal Sanitary Sewer System.

6. Certification. A statement, reviewed by a certified professional who is an authorized representative of the user, stating whether the user is meeting applicable pretreatment standards on a consistent basis, and, if not, whether additional pretreatment or operation and maintenance (O & M) is required for the user to meet the applicable pretreatment standards and requirements.

7. Compliance Schedule/Engineering Report. Where pretreatment and/or operation and maintenance activities will be required to comply with this chapter, or where a Discharger modifies, or proposes to construct or modify wastewater facilities, or in response to a compliance schedule ordered by the Director as a result of an incident or incidents of noncompliance, the Discharger shall provide an engineering report describing the action that must be taken to comply with this chapter.

a. The engineering report shall include a time schedule, showing the dates by which such action will be completed. The schedule shall indicate the dates by which major events will be completed leading to the construction and operation of additional pretreatment that is required for the discharger to comply with this chapter, including, but not limited to, dates relating to the retention of an engineer who is to design the improvements; the retention of other appropriate personnel; the completion of preliminary plans; the completion of construction documents; execution of a contract for major components; start of construction; and completion of construction. The date of final compliance shall not be extended beyond the final compliance date established for the applicable pretreatment standard.

b. All such reports, plans, and specifications shall be prepared in accordance with the requirements of Chapter 173-240 WAC and under the supervision of a professional engineer, licensed in accordance with Chapter 18.43 RCW. All copies of these documents submitted for review shall bear the seal of the professional engineer under whose supervision the documents were prepared.

c. The discharger shall submit a copy of the engineering report to the Science & Engineering Division. Additional copies may be required by other federal, state, or local agencies that have jurisdiction. Approval from all agencies with jurisdiction shall be obtained prior to the construction or installation of any necessary facilities.

d. Under no circumstance shall the Director permit a time increment for any single step directed toward compliance which exceeds nine months.

e. Not later than 14 days following each milestone date in the schedule and the final date for compliance, the discharger shall submit a progress report to the Director, including, at a minimum, a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the discharger to return the construction to the approved schedule. In no event shall more than nine months elapse between such progress reports to the Director.

8. Slug load Discharge Evaluation. The discharger shall evaluate their facility against the potential for slug load discharges from their industrial processes and submit such information with their permit application. F. Signatory Requirements. All permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

G. Public Notice. The Director will review the permit application and supporting data furnished by the discharger. The permit application and supporting data may be reviewed by other City departments or governmental agencies as determined by the Director, to verify compliance with applicable laws. If the Director finds that the data submitted is acceptable, then the Director shall direct the applicant to publish notice for each application; except, however, public notice requirements shall not apply to permit renewals if there are no increases in volume or changes in the characteristics of discharge beyond those previously authorized. Publication shall be at least once each week, for two consecutive weeks, in a newspaper of general circulation in Pierce County. The public notice shall be in a form provided by the Director, and shall include the following:

1. The name, address, and phone number of the office issuing the notice;
2. The name and address of the applicant, and if different, the name and address of the facility or activity to be permitted;
3. A brief description of the applicant's activities or operations which result in the discharge described in the application (e.g., steel manufacturing, chemical processing, etc.);
4. A brief description of the discharge point(s); and
5. The address and phone number of the office at which interested persons may obtain further information.

H. Public Comment. Public comment on permit applications will be accepted for a 30-day period following the second publication. If the Director determines that there is a significant public interest, then the Director shall require that a public hearing be held after the 30-day comment period, at a time and place deemed appropriate by the Director.

I. Permit Conditions. Following the public comment period, and following the public hearing if held, the Director shall issue a wastewater discharge permit if the Director finds that the permit application, specifications, and other data conform to the requirements of this chapter and other pertinent laws. Wastewater discharge permits shall specify applicable requirements of this chapter including, at a minimum, the following where applicable:

1. Effluent limits, including Best Management Practices. Limits based on applicable Pretreatment Standards in 40 CFR Part 403, including Categorical Pretreatment Standards, local limits, and state and local law for the average and maximum wastewater constituents and characteristics regulated by this chapter;
2. Limits on average and maximum rate and time of discharge, equivalent mass, or concentration limits for a pollutant as allowed by 40 CFR Part 403 and appropriate to the discharge and/or requirements for flow regulations and equalization;
3. Requirements for installation and maintenance of inspection and sampling facilities;
4. General conditions under which permittees will monitor their wastewater for compliance including, but not limited to, sampling locations, frequency and number of sampling events, sampling parameters, testing standards, sample handling, taking representative samples, and reporting requirements;
5. Requirements for all analysis to be performed by registered and accredited laboratories in accordance with State regulation, WAC 173-216-125;
6. Compliance schedules;
7. Requirements for submission of special technical reports or discharge reports where same differ from those prescribed by this chapter;
8. Notification procedures;
9. Recordkeeping requirements;
10. Accidental Spill Prevention Plan. If determined to be necessary by the Director, an Accidental Spill Prevention Plan (ASPP) shall contain policies and procedures to ensure that the user prevents or mitigates the effects of slug load discharges. All users shall fully implement such plans and immediately notify the Science & Engineering Division when any changes to a facility or its industrial process pose potential slug load risks not previously addressed in the facility's existing slug control plan;
11. Permit duration;
12. Permit transfer limitations;
13. A statement of applicable civil and criminal penalties; and
14. Signatory requirements.

J. Permit Modifications. The Director may amend any wastewater discharge permit issued hereunder in order to assure compliance by the City with applicable laws and regulations or for other good cause. As used in this section, the term "good cause" shall include but not be limited to, the following:

1. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
2. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to the POTW, personnel, or the receiving waters;
5. Violation of any terms or conditions of the wastewater discharge permit;
6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
7. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR Part 403.13;
8. To correct typographical or other errors in the wastewater discharge permit; or
9. To reflect transfer of the facility ownership and/or operation to a new owner/operator.

Within nine months of the effective date of a National Categorical Pretreatment Standard, the wastewater discharge permit of each discharger subject to such standards shall be revised to require compliance with such standards within three years of the effective date of the standard, unless federal or state regulations require a shorter implementation period. All National Categorical Pretreatment Standards hereinafter adopted by the United States Environmental Protection Agency shall be by this reference included herein including mass or production based limits where appropriate.

- a. Where a discharger, subject to a National Categorical Pretreatment Standard has not previously submitted an application for a wastewater discharge permit as required by this chapter, then the discharger shall apply for a wastewater discharge permit within 180 days after the effective date of the applicable National Categorical Pretreatment Standard by the United States Environmental Protection Agency.
- b. A discharger with an existing wastewater discharge permit shall submit to the City within 180 days after the effective date of an applicable National Categorical Pretreatment Standard a certification as described in TMC 12.08.140.E.6, and a compliance schedule/engineering report as described in TMC 12.08.140.E.7.
- c. The discharger shall be informed of any permit modifications at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance; provided, however, that in all cases National Categorical Pretreatment Standards shall be met within three years of the effective date of the standard, unless federal or state regulations require a shorter implementation period.

K. Validity of Permit.

- 1. The issuance of a permit, or granting approval of plans, specifications, and computations, shall not be construed to be a permit for, or approval of, any violation of any of the provisions of this chapter, or any other applicable rule or regulation. Permits presuming to give authority to violate the provisions of this chapter shall not be valid.
- 2. Issuance of a wastewater permit shall not relieve the permittee from obtaining such additional permits as may be required by the City, or by other agencies having jurisdiction. In particular, construction permits must be obtained prior to the start of construction. In accordance with Chapter 173-240 WAC, prior to the construction or modification of industrial wastewater facilities, engineering reports and plans must be submitted to the Washington State Department of Ecology at least 30 days prior to the time approval is desired.
- 3. State requirements and limitations on discharges to the POTW shall be met by all users subject to such standards in all instances in which state standards are more stringent than either federal requirements, or the requirements stated in this chapter.

L. Permit Duration. All wastewater discharge permits shall be issued for a specified period of time not to exceed five years, subject to amendment or revocation as provided in this chapter. Under certain circumstances, a permit may be issued for a stated period less than five years.

M. Permit Charges. The City shall establish an annual charge for administering industrial wastewater discharge and industrial wastewater zero-discharge permits. Such charges are as follows:

Effective Date: January 1, 1997:

Industrial wastewater discharge permit: \$700.00/year.

Industrial wastewater zero-discharge permit: \$480.00/year.

Payment shall be made in a manner and at the frequency determined by the Director.

N. Limitations on Permit Transfer. Wastewater discharge permits are issued to a specific discharger for a specific operation and are not assignable to another discharger without the prior written approval of the Director, or transferable to any other location.

(Ord. 28093 Ex. E; passed Oct. 16, 2012: Ord. 27978 Ex. A; passed Apr. 26, 2011: Ord. 27538 § 9; passed Oct. 24, 2006: Ord. 26729 § 1; passed Nov. 7, 2000: Ord. 25979 § 1; passed Nov. 19, 1996: Ord. 25802 § 7; passed Dec. 5, 1995: Ord. 25587 § 13; passed Sept. 20, 1994: Ord. 24879 § 8; passed May 21, 1991: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.150 Reporting requirements for wastewater permittee.

A. Compliance Date Report. Within 90 days following the date by which final compliance with applicable pretreatment standards must be met by a discharger as set forth in this chapter, or within 90 days after wastewater is first introduced into the POTW by a new source subject to the permit requirements of this chapter, such dischargers shall submit a report prepared under the supervision of a professional engineer, licensed in accordance with Chapter 18.83 RCW. The report shall state:

- 1. The nature and concentration of all regulated contaminants contained in the discharge;

2. The average and maximum daily flow in gallons, in accordance with TMC 12.08.140.E.4 through 6; and
3. Whether the applicable pretreatment standards or requirements are being met on a consistent basis. In the event the report concludes that the pretreatment standards are not being met on a consistent basis, the report shall state what additional operation and maintenance and/or pretreatment is necessary to bring the discharger into compliance with the applicable pretreatment standards and requirements. This statement shall be signed by an authorized representative of the discharger.

B. Periodic Compliance Reports - Dischargers Subject to an Applicable Pretreatment Standard and New Sources.

1. Any user subject to an applicable pretreatment standard, who is required to have a wastewater discharge permit and perform self-monitoring shall comply with all applicable requirements of 40 CFR Part 403.12, as may be amended, and as set forth in this chapter shall, after the compliance date of the applicable pretreatment standard, submit to the Science & Engineering Division a compliance report during the months of June and December unless required on another date or more frequently. The frequency of monitoring and reporting shall be prescribed within the user's wastewater discharge permit. New sources shall, after commencement of the discharge to the Municipal Sewer System, submit to the Science & Engineering Division a compliance report indicating the nature and concentration of regulated substances in the effluent which are limited by applicable Pretreatment Standards. Such reports shall include a record indicating the nature and concentration (and mass if specified in the user's wastewater discharge permit) of the pollutants in the effluent which are limited by such Pretreatment Standard. The report shall also include a record of measured or estimated average and maximum daily flows taken at the designated sampling locations and shall also include any additional information required by Chapter 12.08 TMC, and/or the user's wastewater discharge permit, including information necessary to determine whether the user is complying with Best Management Practices(s), required under the user's wastewater discharge permit. In cases where the Pretreatment Standard or wastewater discharge permit requires compliance with a Best Management Practice, the user shall submit documentation required by the Director or the Pretreatment Standard necessary to determine the compliance status of the user. Flows shall be reported on the basis of actual measurement, provided that, if the Director finds that the cost or feasibility of such actual measurements justify, then the Director may accept by prior authorization, reports of average and maximum flows estimated by verifiable techniques. Production data shall be reported if required by the wastewater discharge permit or if the user is subject to concentration limits established by unit production limits specified in the applicable categorical standards.

2. Reports submitted by permittees shall contain all results of sampling and analysis of the discharge performed in accordance with the requirements of 40 CFR Part 136 and amendments thereto, including the flow, nature, and concentration, or production and mass where required by the Director. Reports submitted by permittees shall also contain documentation regarding the permittee's compliance with required Best Management Practices. When sampling and analysis is performed for regulated pollutants for purposes of determining compliance, such sampling and analysis shall be conducted in accordance with 40 CFR Part 136 and shall be reported. The frequency of monitoring by the discharger shall be as prescribed in the wastewater discharge permit issued to the discharger. All analyses shall be performed in accordance with 40 CFR Part 136, which is incorporated herein as though fully set forth, including any amendments thereto. If 40 CFR Part 136 does not include a sampling or analytical technique for the contaminant to be tested, then sampling and analysis shall be performed in accordance with the procedures set forth in "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April, 1977 ed., as published by the United States Environmental Protection Agency ("EPA"), together with any amendments thereto, or with any other sampling and analytical procedures approved by the EPA. Sampling and analysis that is performed for regulated pollutants for the purposes of determining compliance shall be conducted in accordance with 40 CFR Part 136. Any sampling and analysis that is conducted more frequently than required herein, and is performed in accordance with the provisions of 40 CFR Part 136, shall be reported.

C. Hazardous Waste Notification. In accordance with 40 CFR Part 403.12(p) Industrial User Hazardous Waste Notification Requirements, all users of the Municipal Sewer System must notify the Science & Engineering Division, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the City's Municipal Sanitary Sewer System of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Additionally, notification shall be required for discharge of a substance, which, if otherwise disposed of, would be a dangerous waste under Chapter 173-303 WAC. Such notification shall include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent it is known or readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months.

These notification requirements do not apply to pollutants already reported under the self-monitoring requirements.

Whenever the EPA or Washington State Department of Ecology publishes final rules identifying additional hazardous or dangerous wastes or new characteristics of hazardous or dangerous waste, a user shall notify the Science & Engineering Division of the discharge of such a substance within 90 days of the effective date of such regulations.

D. Notification of Change in Production Levels. All users shall notify the Science & Engineering Division in advance of any change in the volume or character of pollutants in their discharge, including manufacturing process changes, pretreatment modifications, and the listed or characteristic hazardous wastes for which the user has submitted initial notification under 40 CFR Part 403.12(p). Where discharge permit limits incorporate concentration limits based upon production, the user shall notify the City within two calendar days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not providing a notice of such anticipated change will be required to comply with the concentration limits based upon the most recently approved estimate of the long term average production rate.

E. Notification of Potential Problems. Any user shall immediately notify the Science & Engineering Division upon becoming aware of any discharge that may adversely affect the POTW, including slug loads as defined in this chapter. The notification shall include the concentration, volume, corrective actions, and steps being taken to reduce any adverse impact; provided that the user's inability to provide this information shall not excuse the user from providing such information that the user does possess.

F. Notification of Noncompliance. If sampling performed by the user indicates that a violation of this chapter has occurred or is occurring, the user shall notify the Science & Engineering Division within 24 hours of becoming aware of the violation. If sampling performed by the City indicates that a violation of this chapter has occurred or is occurring, the City or the user, if so directed by the City, shall repeat the sampling within five days and submit the results of such analysis within 30 days of becoming aware of the violation, except that the user need not resample if:

1. The City performs sampling at the user's facility at a frequency of at least once per month; or
2. The City performs sampling at the facility between the time the user performs its initial sampling and the time the user receives the results of this sampling.

G. Notification of Changed Discharge. A user shall promptly notify the Science & Engineering Division before making any change which alters the slug load discharge control plan required by TMC 12.08.230 or any substantial change in the volume or character of pollutants in its discharge, including significant manufacturing process changes, pretreatment modifications, and the listed or characteristic hazardous wastes for which the user has submitted initial notification under 40 CFR Part 403.12(p).

H. Signatory Requirements. All user reports must be signed by an authorized representative of the user and contain the following certification statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(Ord. 27978 Ex. A; passed Apr. 26, 2011: Ord. 27538 § 10; passed Oct. 24, 2006: Ord. 27003 § 8; passed Nov. 19, 2002: Ord. 26729 § 2; passed Nov. 7, 2000: Ord. 25587 § 14; passed Sept. 20, 1994: Ord. 24879 § 9; passed May 21, 1991: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.160 Wastewater monitoring facilities.

A. Each discharger shall provide and operate, at the discharger's expense, a monitoring facility to allow inspection, sampling, and flow measurement of each sewer discharge to the sanitary sewer. Each monitoring facility shall be located on the discharger's premises; provided that where such a location would be impractical or cause undue hardship on the discharger, the Director may allow the facility to be constructed in the public street or sidewalk provided that the facility is located so that it will not be obstructed by landscaping or parked vehicles.

B. There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and associated equipment shall be maintained at all times in a safe and proper operating condition by the discharger. All monitoring facilities shall be constructed and maintained in accordance with American Public Works Association Standard Specifications and with any City of Tacoma Supplement currently in effect. All devices used to measure wastewater flow and quality shall be calibrated in a manner and frequency by the discharger to ensure their accuracy. Construction shall be completed no later than 180 days of receipt of all necessary permits by the discharger, or within

200 days of the date the discharger was notified that the necessary permits were available for issuance, whichever shall result in the shortest period of time.

(Ord. 28128 Ex. A; passed Feb. 12, 2012; Ord. 27538 § 11; passed Oct. 24, 2006; Ord. 27003 § 9; passed Nov. 19, 2002; Ord. 25587 § 15; passed Sept. 20, 1994; Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.170 Confidential information.

A. Presumption of Open Records. In accordance with the Public Records Act, (RCW 42.56) information and data that relates to a discharger that is obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and City inspection and sampling activities, shall be available to the public without restriction, unless the discharger requests in writing that certain information contained in a wastewater discharge permit application, or other document (other than information on the effluent), be held as “Confidential Business Information” because disclosure of such information would divulge methods or processes entitled to protection as trade secrets under RCW 42.56.270(11). If the City does not agree that such information is entitled to protection under RCW 42.56, then it shall notify the discharger of such determination.

In the event the City receives a public records request for documents marked “Confidential Business Information,” it shall notify the discharger in accordance with RCW 42.56.540, and the discharger may, at its own expense, seek a court injunction to prevent release of the document. If the discharger does not commence an action for injunction relief within ten business days of receiving the City’s notice, the City may disclose the document.

B. Violations. During the time that possible violations of this chapter are being investigated by the City, investigation notes, draft orders, worksheets, summaries, and similar documents pertaining to the investigation may be maintained as confidential information to the extent allowed under RCW 42.56. At the time that an enforcement action, if any, is signed thus designating that enforcement action as final, then the confidential status shall terminate, and the document shall be made available for public inspection.

C. Disclosure Pursuant to Government Programs. Nothing in this section shall prohibit the Director from disclosing such information to other officers, employees, or authorized representatives of a governmental agency for uses related to applicable governmental programs, including, but not limited to, the NPDES program, and the pretreatment program.

D. Disclosure Pursuant to Enforcement Activities. Nothing in this section shall prohibit the Director from disclosing such information to other officers, employees, or authorized representatives of a governmental agency pursuant to enforcement proceedings involving the person or entity furnishing the information.

(Ord. 27538 § 12; passed Oct. 24, 2006; Ord. 27285 § 6; passed Nov. 2, 2004; Ord. 25587 § 16; passed Sept. 20, 1994; Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.180 Emergency suspension of service and revocation of discharge permits.

A. Suspension of Service. The Director may suspend storm drainage services, special approved storm water discharges, and/or wastewater treatment services and the Director may suspend or revoke the wastewater discharge permit of a discharger when the Director finds that an actual or threatened discharge either:

1. Threatens or presents an imminent or substantial danger to the health or welfare of personnel or to the environment;
2. Threatens to or does interfere with the operation of the Municipal Sewer System or causes the City to violate its NPDES permit; or
3. Causes the permittee to violate any pretreatment limitations imposed by the permittee's wastewater discharge permit, or causes the permittee to violate other regulations contained in TMC 12.08.

B. Revocation of Permit Issued in Error. The Director may revoke a wastewater discharge permit issued in error, or issued on the basis of incorrect information supplied by the discharger.

C. Revocation Process. Upon determination by the Director that a wastewater permit shall be revoked, the Director shall take such steps as are reasonably calculated to immediately notify the discharger that the wastewater discharge permit has been revoked. Such immediate notice shall be followed by written notice. A discharger notified of the revocation of the discharger's permit shall immediately cease all discharges.

D. Failure to Comply. In the event the discharger fails to comply with the requirements contained in the Director's written notice, the Director shall have available all remedies provided by law to compel specific compliance with the Director's written notice.

E. Reinstatement of Permit. The Director may reinstate the wastewater discharge permit, and any discontinued services, upon finding that the conditions creating the threat as set forth above have been eliminated, and upon finding that reasonable steps have been taken to prevent a reoccurrence of the conditions that resulted in the threat.

(Ord. 27765 Ex. A; passed Dec. 9, 2008: Ord. 27538 §13; passed Oct. 24, 2006: Ord. 25587 §17; passed Sept. 20, 1994: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.190 Prohibited practices; termination of treatment services.

A. Prohibited Practices. A discharger shall not:

1. Fail to accurately report the wastewater constituents and characteristics of its discharge;
2. Fail to report known or reasonably anticipated changes in wastewater constituents or characteristics prior to the changed discharge;
3. Misrepresent or fail to fully disclose all relevant facts in the wastewater discharge permit application;
4. Falsify self-monitoring reports;
5. Tamper with monitoring equipment;
6. Refuse reasonable access to the discharger’s premises by representatives of the Director for the purpose of inspection or monitoring; or
7. Violate the conditions of its permit, the provisions of this chapter, or any order of the Director with respect thereto.

B. Termination of Services. The Director may terminate wastewater or storm water services to any discharger who violates any of the provisions of TMC 12.08.190.A, or upon cessation of operations. Exercise of the termination option shall not be a bar to, or a prerequisite for, taking any other action against the discharger. All prior wastewater discharge permits issued to a particular discharger are void upon the issuance of a new wastewater discharge permit to that user.

C. Transfer of Ownership. A wastewater discharge permit is issued to a specific discharger, for a specific operation. All wastewater discharge permits shall be void upon transfer of business ownership.

(Ord. 27538 §14; passed Oct. 24, 2006: Ord. 27003 §10; passed Nov. 19, 2002: Ord. 25587 §18; passed Sept. 20, 1994: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.200 Enforcement procedures.

Whenever the Director finds that any person has violated the prohibitions in Chapter 12.08 TMC, including any state and federal regulations the City is authorized to enforce under Chapter 12.08 TMC, the Director shall respond with appropriate enforcement action in accordance with the policies and procedures contained in Tacoma’s Enforcement Response Plan (ERP) for wastewater, or Tacoma’s Stormwater Compliance Policy (SCP) for stormwater. Enforcement response may be taken against any person who shall at any time cause or contribute to the contamination or recontamination of any waterway and/or its remediated sediments or receiving water within Tacoma city limits. As stated in the ERP and SCP, enforcement remedies may include:

- A. Informal notices, meetings, or telephone calls;
- B. Warning letters;
- C. Notices of violation (NOV);
- D. Notices of violation with civil penalties;
- E. Notices of violation with corrective action orders with and without civil penalties;
- F. Notices of violation with corrective action order requiring a compliance schedule/engineering report in accordance with TMC 12.08.140.E.7;
- G. Stop work orders; and/or
- H. Emergency suspension/termination of service and/or criminal prosecution with penalties.

The choice of enforcement action and the severity of any penalty shall be based on, among other things, the nature of the violation including the amount of damage or risk to the public, or to public resources, the compliance history of the discharger, whether the discharger cooperated with the City by correcting or making good faith attempts to correct the violation, and whether the violation is a repeat violation. Nothing precludes the City from taking escalating forms of enforcement action.

(Ord. 27978 Ex. A; passed Apr. 26, 2011: Ord. 27765 Ex. A; passed Dec. 9, 2008: Ord. 27538 § 15; passed Oct. 24, 2006: Ord. 27003 § 11; passed Nov. 19, 2002: Ord. 25802 § 8; passed Dec. 5, 1995: Ord. 25587 §19; passed Sept. 20, 1994)

12.08.210 Duty to reapply.

A. Duty to Reapply. The permittee shall re-apply for reissuance of a wastewater discharge permit 180 calendar days prior to the permit's expiration. Any permittee holding an unexpired permit may apply in writing for an extension of the permit, provided such application is made at least 180 calendar days prior to the permit's expiration. The Director may extend the permit upon finding that the interests of this chapter are best served by such extension.

B. Application Procedure. For a permit to be reissued, the applicant shall first file an application in writing, on a form furnished by the Director. The Director may require such additional information as deemed necessary to evaluate the applicant's conformance with applicable Federal, State, and local regulations.

(Ord. 25587 §20; passed Sept. 20, 1994)

12.08.220 Operating upsets.

A. Operating Upsets. Any discharger that experiences an operating upset, as defined in TMC 12.08.010, which places the discharger in a temporary state of noncompliance with this chapter or with an applicable pretreatment standard shall inform the Director immediately upon first awareness of the upset. Where such notification is given orally, a written follow-up report shall be filed by the discharger with the Director within five calendar days. The report shall specify:

1. Description of the upset, the cause thereof and the upset's impact on the discharger's compliance status;
2. Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is expected to continue, the time by which compliance is reasonably expected to occur;
3. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance. The steps should include but not be limited to reducing and/or controlling production, providing alternate treatment or power supply if feasible, and temporary storage or off-site disposal.

B. Affirmative Defense to Enforcement Actions. An upset shall constitute an affirmative defense to an action brought for noncompliance with applicable pretreatment standards if the requirements of paragraph C are met.

C. Burden of Proof. A user who wishes to establish the affirmative defense of upset shall have the burden of proof. A user may so demonstrate through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred, and the cause of the upset;
2. The facility was at the time being operated in a prudent manner, and in compliance with applicable operation and maintenance procedures; and
3. The user has submitted the information described in TMC 12.08.220.A in accordance with the provisions of that section.

(Ord. 27538 § 16; passed Oct. 24, 2006: Ord. 25587 § 21; passed Sept. 20, 1994: Ord. 24879 § 11; passed May 21, 1991: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.230 Accidental discharges – Spills.

Each discharger shall provide protection from accidental discharges or spills of materials that are regulated by this chapter.

A. Where deemed necessary by the Director, an Accidental Spill Prevention Plan (ASPP) shall be prepared and implemented by the discharger within 90 days of such determination and shall, at a minimum, contain the following:

1. A description of discharge practices, including nonroutine batch discharges;
2. A description of stored chemicals and potential pollution-generating activities including, but not limited to, industrial processes and material handling;
3. Procedures for immediately notifying the Director of a discharge, including any discharge or spill that would violate a discharge prohibition under 40 CFR Part 403.5(b) and TMC 12.08.020 ;
4. Procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

B. Review of Plans. Operational and structural BMPs to prevent accidental discharge of prohibited materials to the Municipal Sewer System or receiving waters shall be provided and maintained at the discharger's cost and expense. For new development and redevelopment, detailed plans showing operational and structural BMPs procedures to provide this protection shall be submitted to the Director for review and shall be approved by the Director before construction of the facility. For existing facilities, each discharger, as requested, shall submit its plan to the Director. No discharger who discharges to the Municipal Sanitary Sewer System shall be permitted to introduce contaminants into the system until an Accidental Spill Prevention Plan (ASPP) has been approved by the Director. Review and approval of such plans and operating procedures shall not relieve the discharger from the responsibility to modify its BMPs, as necessary, to meet the requirements of this chapter.

C. Notification Procedures, Liability for Expense. Dischargers shall notify the Director immediately of any changes to a facility that could affect its potential for a slug load discharge, upon the occurrence of an excessive discharge or spill to the City's Municipal Sewer System "slug load," or accidental discharge of contaminants regulated by this chapter. The notification shall include location of discharge, date and time of the discharge, type of waste, concentration of contaminants, volume of discharge, and corrective actions taken. In addition to supplemental charges that may be imposed pursuant to TMC 12.08.610, any discharger who discharges prohibited materials, or who discharges regulated materials in excess of that allowed by this chapter, shall be liable for any expense incurred by the POTW caused by the discharge, including but not limited to:

1. Losses due to damage suffered by the POTW's physical facilities;
2. Any engineering, consultant, inspection, testing, or similar fees paid by the POTW and necessitated by the excessive or accidental discharge, or slug load;
3. All administrative costs incident to the excessive or accidental discharge, or slug load; and
4. Losses due to fines or monetary penalties imposed on the POTW by the state or federal government, attributable to the excessive or accidental discharge, or slug load.

D. Discharger Employee Notification. Signs shall be posted in conspicuous locations on the discharger's premises, advising employees who to call in the event of an excessive discharge, a slug load or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedures.

E. Modification to Accidental Spill Prevention Plan. A permittee who has been required to prepare an Accidental Spill Prevention Plan (ASPP) shall review such ASPP whenever changes occur that could affect the ASPP, but in no event less frequently than annually. Any proposed modifications that are necessary for the ASPP to remain in compliance with the provisions of TMC 12.08.230 shall be submitted to the Director for approval. If the permittee finds that no modifications to the ASPP are necessary, then the discharger shall certify that the ASPP on file with the City is current and shall submit such certification to the Director on January 15 of each year.

(Ord. 27978 Ex. A; passed Apr. 26, 2011: Ord. 27538 § 17; passed Oct. 24, 2006: Ord. 25802 § 9; passed Dec. 5, 1995: Ord. 25587 § 22; passed Sept. 20, 1994: Ord. 24879 § 12; passed May 21, 1991: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.240 Records retention.

All dischargers subject to this chapter shall retain and preserve, at the permitted facility, for no less than three years any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof relating to monitoring, sampling, and chemical analyses made by or on behalf of a discharger in connection with its discharge or compliance with BMPs required by a permit issued under this chapter. All records which pertain to matters which are the subject of enforcement or litigation activities brought by the Director pursuant hereto shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired. The Director shall have the right to copy all records required to be kept by the discharger's permit(s) and/or this chapter.

(Ord. 27978 Ex. A; passed Apr. 26, 2011: Ord. 25587 § 23; passed Sept. 20, 1994: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.300 Holding tank waste.

A. No person in the business of pumping wastes from septic or other holding tanks shall discharge the contents of any holding tank (including, without limitation, septic tank, cesspool or chemical toilet waste) into the Municipal Sanitary Sewer System unless that person has been properly licensed by the City of Tacoma Tax and License Division of the Finance Department and issued a current permit by the Tacoma-Pierce County Health Department. The discharger shall pay the applicable charges and fees and shall meet all other conditions of the Environmental Services Commercial Septage Hauler Policy and Facility Procedures as required by the City. An exception to this requirement is that no license or permit will be required in the case of discharge of domestic wastes from individual mobile home (camper, motor home, camping trailer, etc.) holding tanks; provided that such discharges are made into a City-approved facility designed to receive such wastes.

B. Only domestic wastewater shall be authorized to be discharged into the Municipal Sanitary Sewer System at the POTW. Any other waste, including but not limited to grease traps, oil/water separators, interceptors, or septic tanks comprising waste other than domestic wastewater, or any mixture thereof, shall not be discharged at the POTW, unless authorized by the Director.

C. Any mixture of hazardous or dangerous wastes, as defined by federal, state, or local laws and regulations, regardless of the quantity or ratio, in a holding tank is strictly prohibited from being discharged into the Municipal Sanitary Sewer System.

(Ord. 28261 Ex. A; passed Dec. 9, 2014: Ord. 28128 Ex. A; passed Feb. 12, 2012: Ord. 27978 Ex. A; passed Apr. 26, 2011: Ord. 25979 § 2; passed Nov. 19, 1996: Ord. 25587 § 24; passed Sept. 20, 1994: Ord. 24879 § 13; passed May 21, 1991: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.310 Designation of places and manner of discharge of holding tank contents.

Holding tank pumpers shall discharge waste material at the City's Treatment Plant No. 1, located at 2201 Portland Avenue, unless otherwise directed by the Director. Matter prohibited to be discharged into the Municipal Sanitary Sewer System by this chapter or by other applicable law or regulation shall not be permitted to be so discharged.

(Ord. 25587 § 25; passed Sept. 20, 1994: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.320 Discharge of holding tank contents – Charges – Report.

A. A charge shall be made for the total gallons of holding tank waste material discharged at the wastewater treatment plant, and shall be payable to the City Treasurer and credited to the Wastewater Management Fund. The charge shall be as follows:

Effective Date: January 1, 2015:

	From Within the City	From Outside the City
Septic Tank Wastes (Holding, Cesspool, etc.) and Chemical Toilet Wastes	\$13.63/100 gal.	\$15.00/100 gal.

Effective Date: January 1, 2016:

	From Within the City	From Outside the City
Septic Tank Wastes (Holding, Cesspool, etc.) and Chemical Toilet Wastes	\$14.45/100 gal.	\$15.90/100 gal.

B. Prior to the discharge of any material from holding tanks, the operator will correctly identify the source and contents being disposed. Incomplete or inaccurate reporting may result in the application of the highest chargeable rate.

(Ord. 28261 Ex. A; passed Dec. 9, 2014: Ord. 28128 Ex. A; passed Feb. 12, 2012: Ord. 27978 Ex. A; passed Apr. 26, 2011: Ord. 27968 Ex. A; passed Feb. 1, 2011: Ord. 27765 Ex. A; passed Dec. 9, 2008: Ord. 27554 § 1; passed Dec. 5, 2006: Ord. 27285 § 7; passed Nov. 2, 2004: Ord. 27003 § 12; passed Nov. 19, 2002: Ord. 26888 § 2; passed Dec. 4, 2001: Ord. 26729 § 3; passed Nov. 7, 2000: Ord. 26526 § 1; passed Nov. 30, 1999: Ord. 26338 § 1; passed Dec. 8, 1998: Ord. 25802 § 10; passed Dec. 5, 1995: Ord. 25659 § 1; passed Jan. 24, 1995: Ord. 25587 § 26; passed Sept. 20, 1994: Ord. 25521 § 1; passed Jun. 7, 1994: Ord. 24879 § 14; passed May 21, 1991: Ord. 24307 § 2; passed Mar. 7, 1989: Ord. 24049 § 2; passed Mar. 9, 1988: Ord. 23793 § 1; passed Mar. 3, 1987: Ord. 23574 § 1; passed Mar. 4, 1986: Ord. 23309 § 1; passed Dec. 18, 1984: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.330 Sanitary sewage from outside the City.

Sanitary sewage from premises outside the City may be discharged into sanitary sewers only after a permit has been issued by the Director. The permit shall be in the nature of a license, shall not constitute a property right in the holder, and shall be subject to termination at any time at the direction of the Director.

(Ord. 24879 § 15; passed May 21, 1991: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.340 Charges and rates for direct wastewater services for properties outside the City.

Persons owning premises outside the City may, upon a written request from the appropriate governing agency and receipt of a side sewer construction permit from the Director, discharge sanitary sewage into sanitary sewers.

Such a permit shall be issued only upon the written application of the owner of the premises and subject to the following terms and conditions:

- A. The applicant for any such permit shall attach to the application a construction permit duly issued to the owner or to that owner's contractor by the appropriate county and/or political subdivision for the construction of a side sewer.
- B. The owner or that owner's licensed contractor shall pay fees and obtain a permit for a side sewer in strict compliance with the specifications of the City governing the construction and maintenance of side sewers then in effect.
- C. The owner shall agree to pay a monthly service charge for wastewater service in an amount computed at 110 percent of the charge to similar customers of the City, as set forth and established pursuant to this chapter as now or hereafter amended.

In addition, whenever the governing jurisdiction of these customers outside the City determine that a utility tax or other fee of that jurisdiction should be collected from those customers, the City shall increase the charge to those customers to cover that added tax and/or fee and/or related administrative expenses and rebate the applicable tax and/or fee to that outside jurisdiction in a manner to be determined by the City.

Where the Director determines that the cost to provide wastewater service to a customer or a group of customers is abnormally higher than the cost to provide regular wastewater service to City customers, due to unusual circumstances, the Director may establish a surcharge based upon that incremental higher cost. The Director will notify affected customers prior to implementing the surcharge.

D. The owner of the premises to be served by a sanitary sewer shall pay in cash to the City, through the Environmental Services Department, a Connection Charge-in-lieu-of-Assessment computed at the rate of \$55.00 per "Assessable Unit of Frontage" for the premises to be served. This special charge shall be computed in the same manner as sanitary sewer assessments are from time to time computed by the City under Chapter 35.44 RCW relating to local improvement districts. The cost of side sewer construction shall be borne by the owner of the premises.

E. The Connection Charge-in-lieu-of-Assessment shall apply to and be credited to the benefit of a specific parcel of real property which shall be designated by legal description and shall be posted by the City to appropriate records or ledgers and made a part of the City's permanent records pertaining thereto. No further Connection Charge-in-lieu-of-Assessment shall be collected against said premises.

F. Future service connections to premises abutting the sanitary sewer main on which a Connection Charge-in-lieu-of-Assessment has not been paid but which adjoins specific premises for which such charges have been charged or paid, shall be subject to the charges as hereinabove set forth as now or hereafter amended.

G. All Connection Charges-in-lieu-of-Assessment received pursuant to the provisions of this section are nonrefundable and shall be considered capital contributions to the Municipal Sewer System and deposited into the Sewer Utility Fund.

H. All ordinances, rules, regulations, and procedures relating to the use, maintenance, and connection to sanitary sewers, as the same are now or may hereafter be adopted by the City, shall apply with equal force to each such sanitary sewer connection and any violation of any such ordinance, rule, regulation, or procedure by the owner of any premises connected to a sanitary sewer may result in the disconnecting of said sewer by the City.

I. The owner of any premises connecting to the sanitary sewers pursuant to the provisions hereof shall permit an inspection of that owner's premises at any and all reasonable times by the City for the purpose of ascertaining whether or not said connection has been properly made and whether or not the use of such sanitary sewers is in accordance with the ordinances, rules, and regulations of the City pertaining thereto.

J. In the event of a change in ownership, or if the premises are rented, the owner or renter shall be invoiced and pay per subsection C of this section. The failure or refusal to make any such payment when due may result in the disconnecting of the sewer by the City.

(Ord. 28093 Ex. E; passed Oct. 16, 2012: Ord. 27538 § 18; passed Oct. 24, 2006: Ord. 26888 § 3; passed Dec. 4, 2001: Ord. 26729 § 4; passed Nov. 7, 2000: Ord. 25587 § 27; passed Sept. 20, 1994: Ord. 24962 § 1; passed Aug. 13, 1991: Ord. 24879 § 16; passed May 21, 1991: Ord. 24132 § 1; passed Jul. 12, 1988: Ord. 23309 § 2; passed Dec. 18, 1984: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.350 Connection Charge-in-lieu-of-Assessment.

Owners of premises within the City adjacent to and abutting upon the sanitary sewer system and which premises have not been previously assessed under a Local Improvement District ("LID") under this chapter, or under former TMC 12.08 for a sanitary sewer improvement, may connect those premises to and discharge sewage into the sanitary sewers upon receipt of a permit issued by the Director.

Such permit shall be issued only upon written application to the Director by the owner of the premises to be served and subject to the following terms and conditions:

A. The owner shall obtain all permits and pay all fees necessary and required by the City and shall construct said connecting sewers in compliance with all requirements and specifications of the City governing the same.

B. Except as provided in paragraph E of this section, the owner, prior to the issuance of any permit herein authorized, shall pay in cash to the City a Connection Charge-in-lieu-of-Assessment. This charge shall be computed at the guaranteed rate per “Assessable Unit of Frontage” in effect at the time of construction of the sanitary sewer line to be used to serve the premises of such owners, unless as otherwise provided below. The rate for computation of such Connection Charge-in-lieu-of-Assessment shall be determined as of the date of completion of construction of the particular sanitary sewer line to be so used, as reflected by the rates shown below in Table I.

Construction Date	Rate Per A.U.F.	
	Two Side Service	One Side Service
Prior to September 30, 1957	\$3.25	\$3.25
October 1, 1957 to September 20, 1960	\$3.25	\$4.75
September 21, 1960 to January 15, 1963	\$3.75	\$4.75
January 16, 1963 to November 19, 1968	\$4.50	\$5.50
November 20, 1968 to July 17, 1973	\$5.75	\$9.00
July 18, 1973 to April 8, 1975	\$7.50	\$11.00
April 9, 1975 to December 5, 1978	\$15.50	\$23.00
December 6, 1978 to December 31, 1982	\$20.00	\$38.00
January 1, 1983 to June 2, 1991	\$24.50	\$46.50
June 3, 1991 to June 30, 1994	\$30.00	\$60.00
July 1, 1994 to December 31, 1998	\$40.00	\$80.00
January 1, 1999 to May 31, 2011	\$50.00	\$100.00
June 1, 2011 and thereafter	\$75.00	\$150.00

1. In no case shall the Connection Charge-in-lieu-of-Assessment be less than the rate per “Assessable Unit of Frontage” charged to the original LID participants; therefore, in the event that the rate per “Assessable Unit of Frontage” charged to the original LID participants was higher than the rate set forth in this table, the Connection Charge-in-lieu-of-Assessment shall be equal to the higher rate. In addition to the “Assessable Unit of Frontage” charge calculated according to Table I above, for each connection to the sanitary sewers there shall be charged by the City a flat-rate charge of \$1,250. However, in no case shall the total charge for the connection exceed the charge that would result from using the prevailing guaranteed maximum rate in effect at the time of the connection, unless as otherwise provided below.

2. For connections to any sanitary sewer line built with City funds instead of by LID, and constructed after January 1, 1999, the Connection Charge-in-lieu-of-Assessment for each abutting premises shall be the proportionate share of the actual cost to construct the sanitary sewer line. The proportionate share shall be the ratio of each premises’ “Assessable Units of Frontage” to the total units of frontage, multiplied by the actual cost to construct the sanitary sewer line, plus any costs for side sewers. Actual cost to construct the sanitary sewer line shall be defined as the final applicable construction cost plus a 15 percent allowance for engineering, survey, inspection, and administration. In no case shall the connection charge exceed the benefit accruing to each premise. If the charge that would result from using the prevailing guaranteed maximum rate exceeds the proportionate share, the flat-rate charge of \$1,250 shall be added to the proportionate share.

a. The calculation shall use the actual rate charged to the LID participants or the prevailing guaranteed maximum rate in effect at the time of construction, whichever is highest, unless the sewer was built with City funds after January 1, 1999. If the sewer was built with City funds after January 1, 1999, the calculation shall use the prevailing guaranteed maximum rate in effect at the time of connection or the final applicable construction cost plus 15 percent, whichever is highest.

3. Connecting of premises to an existing sanitary sewer which is not adjacent to or abutting the subject premises shall be subject to a Connection Charge-in-lieu-of-Assessment calculated using the higher of the prevailing guaranteed maximum rate in effect at the time of connection.

4. If a sanitary sewer main is extended to be adjacent to or abutting the subject premises, the adjacent or abutting premises, which are identified on the City’s Request for Release as having contributed to the costs of the design and construction of the sanitary sewer main, shall be connected to such sanitary sewer main at no additional connection charge, as set forth in

subsection C below; provided the owner/developer has submitted “As-Built” drawings to the City depicting the connection and has also executed the City’s Certificate of Release.

5. It is the intent of the City that all premises shall pay their fair share of the cost of construction of abutting and adjacent sanitary sewers. The owner of any premises which connects to an existing sanitary sewer without payment of the applicable charges, hereinabove described, owes and shall be required to pay such charges.

6. The “Assessable Units of Frontage” and the amount to be paid thereon at the rate hereinabove specified shall be computed in the same manner as the procedure set forth for LIDs under chapter 35.44 RCW. In addition to the connection charge hereinabove provided for, the total cost of the construction of all sewers so connected shall be borne by the owner of the premises.

C. The Connection Charge-in-lieu-of-Assessment hereinabove provided for shall be credited to and considered as a benefit to the specific premises served by said connection. Said premises so benefited shall be designated by legal description and posted by the City and recorded as a part of the City’s permanent records pertaining thereto. No further sanitary sewer connection charge shall be collected against said premises.

D. Future sanitary sewer connections to premises abutting the sanitary sewer main on which a sanitary sewer connection charge has not been paid, but which adjoins specific premises for which such charges have been charged or paid, shall be subject to the charges as hereinabove set forth.

E. The Sanitary Sewer Connection Charges shall be calculated to include a processing fee equivalent to the current fees charged by the County Auditor for recording the Certificate of Payment And Release served under RCW 65.08.180.

F. Septic System Amnesty Program.

1. For residential premises where wastewater service is available, and where the residence is not connected to the sanitary sewer main, a financial incentive, as set forth below, will be offered to encourage the owner to connect to the sanitary sewer main. Effective January 1, 2010, the financial incentive will be offered to owners of commercial premises under the same terms and conditions applicable to residential premises.

a. Where the Connection Charge-in-lieu-of Assessment is applicable, a financial incentive, consisting of a 50 percent reduction in the charge (incentive program) for the subject premises will be available, subject to the availability of funds, as described below, and in accordance with policies set forth by the Director. The remaining 50 percent of that charge may be eligible for financial assistance under the Conservation Loan Program, as set forth in TMC 12.08.640. The City will allocate up to \$500,000 per fiscal year to fund the incentive program. Owners of premises who qualify for the incentive program will be eligible for a 50 percent reduction in their connection charge on a “first-come, first-served” basis until the moneys allocated by the City for the incentive program in a given fiscal year are exhausted.

b. Where an LID was/is formed, the financial incentive will consist of a 50 percent reduction to that assessment for the subject premises in accordance with policies set forth by the Director, subject to the availability of funds, as stated in subsection E.a. above. In the case where all or a part of the assessment has been paid, the appropriate reduction or rebate will be made so that the final cost for the subject premises will be 50 percent of the full assessment amount.

2. The financial incentive program is not available to new premises that are constructed after wastewater service is available to that property. Owners not electing to take advantage of this limited program will be subject to the regular charges such as those specified in subsection B above.

G. All Connection Charges-in-lieu-of-Assessment received pursuant to the provisions of this section are nonrefundable and shall be considered capital contributions to the Municipal Sewer System and deposited into the Wastewater Management Fund.

H. All ordinances, rules, regulations, and procedures relating to the use, maintenance, and connection to sanitary sewers, as the same are now or may hereafter be adopted by the City, shall apply with equal force to each such sanitary sewer connection and any violation of any such ordinance, rule, regulation, or procedure by the owner of any premises connected to a sanitary sewer may result in the disconnecting of said sewer by the City.

(Ord. 28261 Ex. A; passed Dec. 9, 2014: Ord. 28128 Ex. A; passed Feb. 12, 2012: Ord. 27978 Ex. A; passed Apr. 26, 2011: Ord. 27881 Ex. A; passed Mar. 30, 2010: Ord. 27538 § 19; passed Oct. 24, 2006: Ord. 27503 § 1; passed Jun. 27, 2006: Ord. 27285 § 8; passed Nov. 2, 2004: Ord. 26729 § 5; passed Nov. 7, 2000: Ord. 26338 § 2; passed Dec. 8, 1998: Ord. 25521 § 2; passed Jun. 7, 1994: Ord. 24879 § 17; passed May 21, 1991: Ord. 23968 § 1; passed Nov. 3, 1987: Ord. 23309 § 3; passed Dec. 18, 1984: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.360 Charges and rates for wastewater service inside the City limits.

As permitted by Chapter 35.67 RCW, charges shall be made for the discharge and for the availability for discharge of all sanitary sewage into sanitary sewers. If the Director requires construction of an extension to the sanitary sewer system prior to issuance of a side sewer permit, the charge for availability for discharge shall not be made until such time as the sanitary sewer extension is completed. Unless otherwise determined by the Director, no allowances will be made for vacancies, remodeling, or other such activities unless the water service for the entire facility, building, or mobile home court (two or more units) is turned off by the Water Utility of the City. Charges shall be as follows:

A. Each single-family residence (including those instances where more than one family residence is served through one water meter, as hereinbefore mentioned in TMC 12.08.010) shall be charged a monthly charge computed as follows:

Effective Date: January 1, 2015:

- (1) A fixed charge of \$21.50 plus
- (2) A flow charge calculated at \$4.05 per hundred cubic feet (ccf) of water consumption.

Effective Date: January 1, 2016:

- (1) A fixed charge of \$22.79 plus
- (2) A flow charge calculated at \$4.30 per hundred cubic feet (ccf) of water consumption.

The water consumption for the flow charge shall be the average monthly use as measured during the most recent months of December, January, February, and March. If the average consumption results in a fractional part of a ccf, the number used for calculating the flow charge shall be rounded to the nearest one-hundredth of a ccf.

B. Multiple-family residences, accessory dwelling units and mobile home courts (two or more units) served through one water meter shall pay a monthly charge per living unit as above, except that the water consumed during the winter months shall be divided by the total number of living units served by the account to determine the per living unit flow volume. If the average consumption per unit results in a fraction, the number used for calculating the flow charge shall be billed to the nearest one-hundredth of a ccf.

It shall be the duty of every person in possession, charge, or control of the entire premises consisting of two or more units, served by the sanitary sewer system, or to which such service is available, to be accountable for payment of each unit.

Where units in multiple-unit residences are separately metered; each unit shall be charged the appropriate single-family residence rate as set forth in subsection A of this section.

C. In all cases other than residential charges hereinabove set forth, the sewer charge shall be computed and paid as follows:

1. **Metered Water Supply.** When charges and fees are based upon the water usage, such charges and fees shall be applied against the total amount of water used from all sources unless, in the opinion of the Director, significant portions of water received are not discharged to a sanitary sewer. The total amount of water used from public and private sources will be determined by means of public meters or private meters, installed and maintained at the expense of the user in accordance with Environmental Services Policies and Guidelines. Such public or private meters shall measure flow in cubic feet (cf). Where more than one commercial/industrial facility is served by one water meter, the user group shall be determined by the activities of the largest water consumption user.
2. **Metered Wastewater Volume and Metered Diversions.** When charges and fees are based upon water usage and where, in the opinion of the Director, a significant portion of the water received from any metered source does not flow into the sanitary sewer because of the principal activity of the user or removal by other means, the charges and fees will be applied against the volume of water discharged from such premises into the sanitary sewer. Any user seeking a reduction in sewer charges and fees based on a diversion of metered water from the sanitary sewer system shall provide the Director written proof of such diversion for the Director's approval. To establish reduced sewer charges and fees based on such diversion, the user shall, unless clearly demonstrated as impractical, install a submeter of a type and at a location approved by the Director and at the user's expense. A credit adjustment for sanitary sewer overcharges may be granted, upon written application by the user, but only for the three-month period immediately preceding the submeter installation.

Such meters shall measure flow in cubic feet (cf) and shall be maintained at the expense of the user and be tested for accuracy at the expense of the user in accordance with Environmental Services Policies and Guidelines. Within 30 days of notification by the Director that meter repair or testing is required, the user shall provide written confirmation that such repair or testing has been accomplished. Failure to provide such confirmation may result in sanitary sewer charges being based upon the metered water source.

3. Users Installing Irrigation Systems. All users installing irrigation systems shall be required to meter the water usage of the irrigation system by installing, at user's expense, either a metered water supply dedicated solely to the irrigation system or a submeter, which the user shall maintain, to calculate the appropriate reduction of sewer charges.

4. Estimated Wastewater Volume.

a. Users Without Source Meters. In cases where, in the opinion of the Director, it is unnecessary or impractical to install meters, the charges and fees may be based upon an estimate of the volume to be discharged, prepared by the Director. A rational method will be used to estimate the quantity of wastewater discharged and may consider such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services, or such other determinations of water use necessary to estimate the wastewater volume discharged.

b. Users With Source Meters. In cases where, in the opinion of the Director, users divert a significant portion of their flow from a public sewer, the charges and fees may be based upon an estimate of the flow and volume to be discharged, prepared by the user and approved by the Director. The estimate must include the method and calculations used to determine the wastewater volume and may consider such factors as the number of fixtures, seating capacity, population equivalents, annual production of goods and services, or such other determinations of water use necessary to estimate the wastewater volume discharged.

c. Where the Director determines that the cost to provide sanitary sewer service to a customer or a group of customers is abnormally higher than the cost to provide regular sanitary sewer service to City customers, due to unusual circumstances, the Director may establish a surcharge based upon that incremental higher cost. The Director will notify affected customers prior to implementing the surcharge.

d. Residential customers who qualify as low-income senior or low-income disabled under TMC 12.06.165 B shall be eligible for a 30 percent reduction from the regular sanitary sewer charges. The determination of low income senior and low income disabled status shall be made as set forth in TMC 12.06.165 B. Individuals must submit an application documenting such determination for review and acceptance by the Director to qualify for this reduction. The effective date for the rate reduction shall be the first day of the billing period in which the Director's acceptance is granted.

(Ord. 28261 Ex. A; passed Dec. 9, 2014: Ord. 28128 Ex. A; passed Feb. 12, 2012: Ord. 27968 Ex. A; passed Feb. 1, 2011: Ord. 27765 Ex. A; passed Dec. 9, 2008: Ord. 27649 Ex. A; passed Oct. 23, 2007: Ord. 27554 § 2; passed Dec. 5, 2006: Ord. 27538 § 20; passed Oct. 24, 2006: Ord. 27285 § 9; passed Nov. 2, 2004: Ord. 27138 § 1; passed Sep. 9, 2003: Ord. 27003 § 13; passed Nov. 19, 2002: Ord. 26888 § 4; passed Dec. 4, 2001: Ord. 26729 § 6; passed Nov. 7, 2000: Ord. 26526 § 2; passed Nov. 30, 1999: Ord. 26338 § 3; passed Dec. 8, 1998: Ord. 25979 § 3; passed Nov. 19, 1996: Ord. 25802 § 11; passed Dec. 5, 1995: Ord. 25659 § 2; passed Jan. 24, 1995: Ord. 25587 § 28; passed Sept. 20, 1994: Ord. 25521 § 3; passed Jun. 7, 1994: Ord. 25317 § 2; passed Jun. 8, 1993: Ord. 24962 § 2; passed Aug. 13, 1991: Ord. 24879 § 18; passed May 21, 1991: Ord. 24307 § 3; passed Mar. 7, 1989: Ord. 24049 § 3; passed Mar. 29, 1988: Ord. 23793 § 2; passed Mar. 3, 1987: Ord. 23574 § 2; passed Mar. 4, 1986: Ord. 23309 § 4; passed Dec. 18, 1984: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.362 Charges for fixed-term discharges to the sanitary sewer of effluent from groundwater pump-and-treat systems.

The Director may, at his/her discretion, approve discharges to the sanitary sewer of effluent from groundwater pump-and-treat systems for a specified fixed term. The intent of this section is to provide reasonable discharge locations for this type of effluent to encourage prompt cleanup of contaminated groundwater and is limited to sites regulated by the Department of Ecology and/or the Environmental Protection Agency.

All applicable sections of TMC 12.08, except as otherwise provided herein, shall apply to such discharges.

The requirements of TMC 12.08.140 , (Industrial Wastewater Discharge Permits), shall be met prior to any such discharge.

Charges for such discharges shall be as prescribed in TMC 12.08.390 of this chapter, with the additional provision that dischargers may make application to the Director for a credit on only the flow component of their sewer charges for effluent from groundwater pump-and-treat systems. The following criteria shall be used in preparing and reviewing such an application:

A. The discharger must document to the Director's satisfaction a reduction of surface water runoff that was discharged to the sanitary sewer from the same site or from another site owned by the discharger within the City limits.

B. To quantify such flow reduction, the peak runoff from a two-year, 24-hour design storm event shall be used.

C. Any such flow reduction must have occurred within five years of the date of application for the discharge of the groundwater pump-and-treat effluent.

D. Any such quantity of flow reduction approved by the Director shall be subtracted from the actual groundwater pump-and-treat flow and the discharger shall be charged the applicable rate for any remaining flow.

E. No credit is allowed under this section for the components of the sewer charge related to constituent strengths and characteristics other than flow.

(Ord. 27538 § 21; passed Oct. 24, 2006: Ord. 25802 § 12; passed Dec. 5, 1995: Ord. 25659 § 3; passed Jan. 24, 1995)

12.08.365 Charges for special approved discharges.

A. Discharge to Sanitary Sewer System.

1. The Director may, at his or her discretion, approve discharges to the sanitary sewer system generally for a short-term duration as needed. Application for discharge approval must be accompanied by payment of any fixed administration/application fee(s) and be submitted at least 30 days prior to the requested discharge date.

2. Unless otherwise determined by the Director, the charge for short-term discharges to the sanitary sewer system shall be based on the quantity and strength of the wastewater discharged, according to the rate specified in TMC 12.08.390 of this chapter, in addition to the following annual fixed administration fee:

Effective Date: February 5, 1995: Fixed Fee

Under 5,000 gallons	\$200.00
Between 5,000 and 20,000 gallons	\$400.00
Over 20,000 gallons	\$650.00

3. As determined by the Director, representative samples may be required to be taken for suspended solids (SS) and biochemical oxygen demand (BOD). Sampling may also be required for total petroleum hydrocarbons (TPH) and any other pollutants suspected to be present in the wastewater. Additional samples may be required at the Director’s discretion.

B. Discharge to Storm Drainage System.

1. The Director may, at his or her discretion, approve discharges to the storm drainage system under TMC 12.08.080, as necessary. Application for discharge approval must be accompanied by payment of any fixed administrative/application fee(s) and be submitted at least 30 days prior to the requested discharge date.

2. The Director, or his or her representative, may require that samples be taken of the proposed discharge to insure compliance with federal, state, and local water quality requirements. Samples will be analyzed based on known and/or suspected pollutants at the site or in the proposed discharge. Sampling and analysis must be completed and reviewed by City staff prior to any discharge to the City’s storm drainage system. The Director, or his or her representative, may require additional sampling throughout the duration of the discharge to insure compliance with the above-referenced requirements.

3. Unless otherwise determined by the Director, the charge for discharges of non stormwater to the surface water system under TMC 12.08.080 hereof shall be as set forth herein. This charge will consist of three parts:

Effective Date: January 1, 1997:

- a. An application fee of \$500 per discharge location payable at the time of application of discharge; and
- b. An annual administration fee of \$300 payable no later than January 30 of the year following initiation of discharge and no later than January 30 of each year thereafter if the discharge continues to occur; and
- c. A quantity fee:

Effective Date: January 1, 2015:

\$.0026594 per gallon discharged.

Effective Date: January 1, 2016:

\$.0028057 per gallon discharged.

Payments shall be made in a manner and at the frequency determined by the Director.

(Ord. 28261 Ex. A; passed Dec. 9, 2014: Ord. 28128 Ex. A; passed Feb. 12, 2012: Ord. 27968 Ex. A; passed Feb. 1, 2011: Ord. 27765 Ex. A; passed Dec. 9, 2008: Ord. 27554 § 3; passed Dec. 5, 2006: Ord. 27538 § 22; passed Oct. 24, 2006: Ord. 27285 § 10; passed Nov. 2, 2004: Ord. 27003 § 14; passed Nov. 19, 2002: Ord. 26729 § 7; passed Nov. 7, 2000: Ord. 26526 § 3; passed Nov. 30, 1999: Ord. 26338 § 4; passed Dec. 8, 1998: Ord. 25979 § 4; passed Nov. 19, 1996:

Ord. 25802 § 13; passed Dec. 5, 1995: Ord. 25659 § 4; passed Jan. 24, 1995: Ord. 25587 § 29; passed Sept. 20, 1994: Ord. 25317 § 3; passed Jun. 8, 1993: Ord. 24879 § 19; passed May 21, 1991)

12.08.368 Charges for TAGRO.

TAGRO products are materials manufactured at least partly from biosolids from the City’s wastewater treatment plants. The City currently manufactures five TAGRO products: TAGRO Cake, TAGRO Liquid, TAGRO Mix, TAGRO Potting Soil, and TAGRO Mulch. If the City manufactures additional TAGRO products, they will be priced in accordance with the provisions of this section.

Definition: A Residential Ratepayer is a private citizen who lives in a private residence within the City limits of Tacoma and has a City of Tacoma wastewater utility account in his or her name.

Private citizens may self-load TAGRO Mix in small containers (i.e., buckets and garbage cans), pickup trucks, and small utility trailers (less than two cubic yards) at no cost, as material is available.

The City may offer TAGRO services and products not covered by this section. TAGRO services may include, but not be limited to, land application of TAGRO products and/or hauling and processing of sludge and biosolids. The Director is authorized to set charges for TAGRO services and is authorized to establish prices for TAGRO products. Any such charges, prices, or adjustments will be established in writing by the Director.

(Ord. 27285 § 11; passed Nov. 2, 2004: Ord. 27095 § 1; passed Jun. 10, 2003: Ord. 26888 § 5; passed Dec. 4, 2001: Ord. 26729 § 8; passed Nov. 7, 2000: Ord. 26338 § 5; passed Dec. 8, 1998: Ord. 25802 § 14; passed Dec. 5, 1995: Ord. 25659 § 5; passed Jan. 24, 1995: Ord. 25317 § 4; passed Jun. 8, 1993)

12.08.370 Classification of users of sanitary sewers.

All users are to be classified by the City either by assigning each one to a “user classification” category according to the principal activity conducted on the user’s premises, by individual user analysis, or by a combination thereof. The purpose of such collective and/or individual classification is to facilitate the regulation of sanitary sewage or wastewater discharges based on sanitary sewage or wastewater constituents and characteristics to provide an effective means of source control, and to establish a system of charges and fees which will ensure an equitable recovery of the City’s cost.

(Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.380 Types of Charges and Fees Relating to Use of Sanitary Sewers.

The charges and fees as established in the City’s schedule of charges and fees relating to use of sanitary sewers may include, but shall not be limited to:

- A. User classification charges;
- B. Fees for monitoring;
- C. Appeal fees;
- D. Charges and fees based on wastewater constituents and characteristics.

The Director is authorized to establish a pilot rate program to determine the suitability of alternative rate classifications in providing equitable recovery of the City’s costs of owning, operating, and maintaining the wastewater treatment system. As part of such pilot rate program, the Director may establish test rate classifications and set rates for each such test rate classification. The pilot rate program and test rate classifications established therein shall be designed to increase the equitable distribution among the users of the City’s costs for sewer operation and maintenance and shall be in the best interest of the rate payers. The rates set for each classification shall be fair and reasonable and each test rate classification created shall be based upon reasonable differences between users as grounds for distinction. The maximum rate set for each test rate classification shall be no higher than the rate that would ordinarily apply to each commercial/industrial user under TMC 12.08.400. The pilot rate program, together with the rate classifications and rates established thereto, is intended to be for a limited duration not to exceed two years.

(Ord. 27372 § 1; passed Jun. 21, 2005: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.390 Basis for determination of commercial/industrial charges for use of wastewater system by monitored users.

Monitored commercial and/or industrial users shall pay the appropriate charges and fees based upon the wastewater constituents and characteristics. Except for test rate classifications established by the Director pursuant to TMC 12.08.380, these charges and fees for use of the wastewater system shall be computed on the basis of wastewater from a domestic premises with the following characteristics:

BOD - 200 milligrams per liter

Suspended Solids - 225 milligrams per liter

Composite rates per 100 cubic feet (ccf) for existing and new users are/will be developed using the following constituent concentration rates.

Effective Date: January 1, 2015:

Flow	\$3.44
Biochemical oxygen demand(BOD)	\$.006552 per mg/1
Suspended solids	\$.0048672 per mg/1
Monthly fixed charge	\$10.22 per calendar month

Effective Date: January 1, 2016:

Flow	\$3.65
Biochemical oxygen demand(BOD)	\$.0069888 per mg/1
Suspended solids	\$.0051792 per mg/1
Monthly fixed charge	\$10.84 per calendar month

(Ord. 28261 Ex. A; passed Dec. 9, 2014: Ord. 28128 Ex. A; passed Feb. 12, 2012: Ord. 27968 Ex. A; passed Feb. 1, 2011: Ord. 27765 Ex. A; passed Dec. 9, 2008: Ord. 27554 § 4; passed Dec. 5, 2006: Ord. 27285 § 12; passed Nov. 2, 2002: Ord. 27003 § 15; passed Nov. 19, 2002: Ord. 26888 § 6; passed Dec. 4, 2001: Ord. 26729 § 9; passed Nov. 7, 2000: Ord. 26526 § 4; passed Nov. 30, 1999: Ord. 26338 § 6; passed Dec. 8, 1998: Ord. 25979 § 5; passed Nov. 19, 1996: Ord. 25802 § 15; passed Dec. 5, 1995: Ord. 25659 § 6; passed Jan. 24, 1995: Ord. 25587 § 30; passed Sept. 20, 1994: Ord. 25521 § 4; passed Jun. 7, 1994: Ord. 24879 § 20; passed May 21, 1991: Ord. 24307 § 4; passed Mar. 7, 1989: Ord. 24049 § 4; passed Mar. 29, 1988: Ord. 23793 § 3; passed Mar. 3, 1987: Ord. 23574 § 3; passed Mar. 4, 1986: Ord. 23309 § 5; passed Dec. 18, 1984: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.400 Charge for Commercial/Industrial Wastewater User Groups.

The fixed charge for each commercial or industrial user of wastewater system shall be as follows:

Effective Date: January 1, 2015:

\$10.22 per calendar month

Effective Date: January 1, 2016:

\$10.84 per calendar month

In addition each unmonitored commercial or industrial user placed in a user group shall pay the appropriate flow rate per 100 cubic (ccf) as identified in Table II. All restaurants are initially in the Category 8 (Restaurant II) group. Any restaurant customer may petition the Director to be placed in the Category 6 (Restaurant I) group. The customer must provide the Director with documentation that the restaurant has an approved grease retention device to current Uniform Plumbing Code as adopted in Chapter 2.06 of the Tacoma Municipal Code, and as amended thereafter, and Department Policies and Guidelines, and that the customer has an adequate ongoing maintenance program in place for that device. If the Director concurs, the Director will place that restaurant in the Category 6 (Restaurant I) group as long as those conditions are continually met. In the event that those conditions are not continually met, the Director will place the restaurant back into the Category 8 (Restaurant II) group until the conditions of Department Policies and Guidelines are again met.

If, as a result of a rate increase due to an ordinance change, any specific account of a direct commercial and/or industrial customer would receive an increase in wastewater charges that meet the following criteria, that customer will be eligible to receive a one-time rate mitigation credit:

- A. The percentage increase for that specific account is more than twice the City-wide average increase; and
- B. The percentage increase for that specific account is more than 10 percent; and
- C. The dollar increase as a result of the rate increase for that specific account is more than \$1,000 for the 12 months following implementation of that rate increase.

The credit shall apply to the first 12 months of implementation of the ordinance change and be equal to 50 percent of the increased charges that exceed the first \$1,000 increase for that 12-month period. The credit does not apply to any subsequent

year's charges due to the same individual City-wide rate increase. The manner and method of applying the credit shall be determined by the Director.

Table II Rates for Commercial and/or Industrial User Groups		
Effective Date: January 1, 2015		
Billing Category	Constituent Strength limits	Rate (\$/ccf)
Category 8	(BOD 901 + mg/l) (SS 600 mg/l)	\$12.35
Category 7	(BOD 701-900 mg/l) (SS 700 mg/l)	\$11.94
Category 6	(BOD 701-900 mg/l) (SS 400 mg/l)	\$10.51
Category 5	(BOD 501-700 mg/l) (SS 400 mg/l)	\$8.85
Category 4	(BOD 301-500 mg/l) (SS 450 mg/l)	\$8.85
Category 3	(BOD 301-500 mg/l) (SS 0-400)	\$7.20
Category 2	(BOD 200-300 mg/l) (SS 150-400 mg/l)	\$5.72
Category 1	(BOD 0-250 mg/l) (SS 0-150 mg/l)	\$5.40

Table II Rates for Commercial and/or Industrial User Groups		
Effective Date: January 1, 2016		
Billing Category	Constituent Strength limits	Rate (\$/ccf)
Category 8	(BOD 901 + mg/l) (SS 600 mg/l)	\$13.10
Category 7	(BOD 701-900 mg/l) (SS 700 mg/l)	\$12.66
Category 6	(BOD 701-900 mg/l) (SS 400 mg/l)	\$11.15
Category 5	(BOD 501-700 mg/l) (SS 400 mg/l)	\$9.39
Category 4	(BOD 301-500 mg/l) (SS 450 mg/l)	\$9.39
Category 3	(BOD 301-500 mg/l) (SS 0-400 mg/l)	\$7.64
Category 2	(BOD 200-300 mg/l) (SS 150-400 mg/l)	\$6.07
Category 1	(BOD 0-250 mg/l) (SS 0-150 mg/l)	\$5.73

(Ord. 28261 Ex. A; passed Dec. 9, 2014: Ord. 28128 Ex. A; passed Feb. 12, 2012: Ord. 27968 Ex. A; passed Feb. 1, 2011: Ord. 27765 Ex. A; passed Dec. 9, 2008: Ord. 27554 § 5; passed Dec. 5, 2006: Ord. 27538 § 23; passed Oct. 24, 2006: Ord. 27372 § 2; passed Jun. 21, 2005: Ord. 27363 § 1; passed Jun. 7, 2005: Ord. 27285 § 13; passed Nov. 2, 2004: Ord. 27047 § 1; passed Feb. 25, 2003: Ord. 27003 § 16; passed Nov. 19, 2002: Ord. 26888 § 7; passed Dec. 4, 2001: Ord. 26729 § 10; passed Nov. 7, 2000: Ord. 26526 § 5; passed Nov. 30, 1999: Ord. 26338 § 7; passed Dec. 8, 1998: Ord. 25979 § 6; passed Nov. 19, 1996: Ord. 25802 § 16; passed Dec. 5, 1995: Ord. 25659 § 7; passed Jan. 24, 1995: Ord. 25521 § 5; passed Jun. 7, 1994: Ord. 24879 § 21; passed May 21, 1991: Ord. 24307 § 5, passed Mar. 7, 1989: Ord. 24049 § 5; passed Mar. 29, 1988: Ord. 23793 § 4; passed Mar. 3, 1987: Ord. 23574 § 4; passed Mar. 4, 1986: Ord. 23309 § 6; passed Dec. 18, 1984: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.410 Lack of storm drains. *Repealed by Ord. 24879.*

(Ord. 24879 § 22; passed May 21, 1991: Ord. 23240 § 1; passed Aug 28, 1984)

12.08.420 Water source.

In cases where water to be used to determine the applicable sanitary sewerage charge is from a source other than the City, the user of such water shall meter the water used to produce sanitary sewage, and the meter shall be read regularly by the City.

(Ord. 24879 § 23; passed May 21, 1991: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.430 Reconsideration of wastewater rates.

A. There shall be no reduction in rates for any premises to which a sanitary sewer service connection has been made or which is available, unless there is no charge being made for water or water service to such premises, or where monitoring, sampling, and testing prove the rate to be based on erroneous information.

B. If an owner or other person responsible for paying wastewater rates and charges is of the opinion that the user group rate thereof applicable to that owner or person is based on erroneous information, that owner or other person may, in writing, request a review by the Director of the rate by sampling and testing of sanitary sewage and industrial wastewater from the premises served. A user requesting such reconsideration may be eligible for a set of samples and tests by the City Environmental Services Laboratory personnel or, at the owner's or such other person's option, such owner or other person may have an approved outside laboratory perform the sampling and testing. Regardless of outcome, all costs of sampling and testing by such outside laboratory shall be borne by such owner or other person. In any case, such owner or other person must provide adequate and safe facilities for sampling. Costs of subsequent sampling and testing by City personnel, not required to meet federal or state regulations, shall be the responsibility of such owner or other person. If an outside laboratory is employed for testing pursuant to this section, all samples taken shall be split with the Environmental Services Laboratory. Concurrent tests shall be run by the City to corroborate the results. All sampling and testing procedures shall be done according to "Standard Methods" or an alternative approved by the Director. If the results of the tests are within standard deviations for the concentrations used in determining the rates, no rate change will be made. The owner or person seeking reconsideration shall bear all costs for the tests by the City unless the results outside standard deviations indicate a lower composite rate. No retroactive credits or rebates for charges billed while using estimated concentration levels prior to a user's request for sampling will be made.

(Ord. 28128 Ex. A; passed Feb. 12, 2012: Ord. 27765 Ex. A; passed Dec. 9, 2008: Ord. 27538 § 24; passed Oct. 24, 2006: Ord. 26729 § 11; passed Nov. 7, 2000: Ord. 25587 § 31; passed Sept. 20, 1994: Ord. 24879 § 24; passed May 21, 1991: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.440 Regular review of wastewater and surface water rates.

The Environmental Services Department shall conduct regular reviews of the wastewater and surface water rates contained herein so as to confirm that all costs to operate the Municipal wastewater and storm drainage systems are being properly recovered according to City ordinances, state laws, and federal regulations.

(Ord. 28093 Ex. E; passed Oct. 16, 2012: Ord. 27968 Ex. A; passed Feb. 1, 2011: Ord. 27960 Ex. A; passed Dec. 14, 2010: Ord. 27003 § 17; passed Nov. 19, 2002: Ord. 26729 § 12; passed Nov. 7, 2000: Ord. 25587 § 32; passed Sept. 20, 1994: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.450 New services – Rates.

For new residential services or account holders which have incomplete or no winter flow records available, the monthly flow portion of the charge for sanitary sewerage shall be computed using the flows listed below:

Single-family Dwellings - 7 ccf per month

Multiple-family Dwelling - 5 ccf per unit per month

Except that charges for existing multiple-family dwellings with previous consumption history shall not change solely due to changes in account holder or ownership.

(Ord. 27554 § 6; passed Dec. 5, 2006: Ord. 25802 § 17; passed Dec. 5, 1995: Ord. 25659 § 8; passed Jan. 24, 1995: Ord. 25587 § 33; passed Sept. 20, 1994: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.460 Minimum charge.

Every premises to which wastewater service is furnished, and every premises to which there is availability for such service shall be charged for such service in accordance with the rates and charges herein placed in effect; provided, however, that in no event shall any such charge be less than as provided below:

Effective Date: January 1, 2015:

\$21.50 per calendar month

Effective Date: January 1, 2016:

\$22.79 per calendar month

(Ord. 28261 Ex. A; passed Dec. 9, 2014: Ord. 28128 Ex. A; passed Feb. 12, 2012: Ord. 27968 Ex. A; passed Feb. 1, 2011: Ord. 27765 Ex. A; passed Dec. 9, 2008: Ord. 27554 § 7; passed Dec. 5, 2006: Ord. 27538 § 25; passed Oct. 24, 2006: Ord. 27285 § 14; passed Nov. 2, 2004: Ord. 27003 § 18; passed Nov. 19, 2002: Ord. 26729 § 13; passed Nov. 7, 2000: Ord. 26526 § 6; passed Nov. 30, 1999: Ord. 26338 § 8; passed Dec. 8, 1998: Ord. 25979 § 7; passed Nov. 19, 1996: Ord. 25802 § 18; passed Dec. 5, 1995: Ord. 25659 § 9; passed Jan. 24, 1995: Ord. 25521 § 6; passed Jun. 7, 1994: Ord. 24879 § 25; passed May 21, 1991: Ord. 24307 § 6; passed Mar. 7, 1989: Ord. 24049 § 6; passed Mar. 29, 1988: Ord. 23793 § 5;

passed Mar. 3, 1987: Ord. 23574 § 5; passed Mar. 4, 1986: Ord. 23309 § 7; passed Dec. 18, 1984: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.470 Unlawful installations.

It shall be unlawful to install, change, bypass, adjust, remove, or alter any metering device or any piping arrangement connected to a metering device so as to show the quantity of water used on the premises to be less than the actual quantity used. Persons so tampering with a metering device shall be guilty of theft, and shall be subject to such remedies as may be provided under the Washington Criminal Code, or TMC 8.12.010. . The crime of theft shall not be subject to civil penalties, as provided for in this chapter.

(Ord. 27538 § 26; passed Oct. 24, 2006: Ord. 25587 § 34; passed Sept. 20, 1994: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.500 Surface water rates and charges.

A. Surface water charges shall be based on the square footage area of each parcel of real property and the land use designation of such parcel. The Director shall determine what rate shall apply to each specific parcel in accordance with this section, and the charge resulting from that determination and application of the other factors herein set forth. Upon request, and based on information provided by the parcel owner, the Director may, in his/her sole discretion determine that the City’s use of a surface water or storm drainage or collection system on or at a specific parcel benefits the City’s storm drain system and is grounds for reducing surface water drainage charges; except that: (1) collection from single premises and concentrating the flow; (2) collection of surface water which is piped through or underneath the surface of a property; or (3) water which flows via a natural drainage course through a property, shall not constitute such grounds.

1. Wetlands maintained and dedicated by deed restriction for mitigation purposes may be eligible for a reduction of a surface water drainage charge under this section.
2. Open space parcels with forested land cover, as that phrase is defined in TMC 12.08.010, shall be charged a monthly surface water rate of \$6.37 per parcel in 2015, and \$6.73 per parcel in 2016.
3. Parcels contiguous with waterfront/direct discharge parcels which are under common ownership and discharge 100 percent of surface water flow to the contiguous waterfront/direct discharge parcel shall be charged the waterfront/direct discharge rate.

B. For purposes of computing surface water rates under this section, the land use designation shall be the principal activity on the parcel as listed in the North American Industry Classification System (NAICS, 2002), prepared by the Statistical Policy Division of the Federal Office of Management and Budget and adopted hereby for this purpose. The land use category for each parcel will place it in one of the five following specific categories, hereinafter referred to as “Basic Categories of Development,” as to each of which the rate per month per 500-square-foot increment of parcel area shall apply:

Effective Date: January 1, 2015:

Basic Category of Development	Rate per Month
Waterfront/Direct Discharge Parcels:	
Undeveloped - First Acre or Less	\$0.1253 per 500 ft ²
Undeveloped - Area in Excess of One Acre	\$0.0563 per 500 ft ²
Light	\$0.3755 per 500 ft ²
Moderate	\$0.5228 per 500 ft ²
Heavy	\$0.7508 per 500 ft ²
Very Heavy	\$1.0009 per 500 ft ²
All Other Parcels:	
Undeveloped – First Acre or Less	\$0.2572 per 500 ft ²
Undeveloped – Area in Excess of One Acre	\$0.0563 per 500 ft ²
Light	\$0.7714 per 500 ft ²
Moderate	\$1.0507 per 500 ft ²
Heavy	\$1.5426 per 500 ft ²
Very Heavy	\$2.0568 per 500 ft ²

Effective Date: January 1, 2016:

Basic Category of Development	Rate per Month
Waterfront/Direct Discharge Parcels:	
Undeveloped - First Acre or Less	\$0.1322 per 500 ft ²
Undeveloped - Area in Excess of One Acre	\$0.0594 per 500 ft ²
Light	\$0.3962 per 500 ft ²
Moderate	\$0.5516 per 500 ft ²
Heavy	\$0.7921 per 500 ft ²
Very Heavy	\$1.0560 per 500 ft ²
All Other Parcels:	
Undeveloped – First Acre or Less	\$0.2714 per 500 ft ²
Undeveloped – Area in Excess of One Acre	\$0.0594 per 500 ft ²
Light	\$0.8139 per 500 ft ²
Moderate	\$1.1085 per 500 ft ²
Heavy	\$1.6275 per 500 ft ²
Very Heavy	\$2.1700 per 500 ft ²

C. Waterfront/direct discharge parcels are those parcels directly abutting Puget Sound with at least 50 feet of frontage, or parcels discharging, by private means, all or substantially all of their surface water directly into the marine waters of Puget Sound. For purposes of computing surface water charges, the area of each parcel shall be rounded to the nearest 500-square foot increment (the area of premises less than 250-square feet shall be set at 500 square feet) and the appropriate rate from Table III shall be multiplied by the number of such increments in the parcel. In addition to the area charge listed above, the City shall charge a monthly fixed fee of:

Effective January 1, 2015: \$6.37

Effective January 1, 2016: \$6.73

D. Single-family residential parcels will be assigned the “Moderate” Basic Category of Development for determination of monthly charges, except that all single-family residential parcels of 15,000 square feet or less inspected by the Environmental Services Department and placed in a different Basic Category of Development shall pay the rate assigned to such Basic Category of Development. Single-family residential parcels of 15,000 square feet or more shall pay at the moderate rate for the first 15,000 square feet and the remainder at the undeveloped rate, unless the parcel is inspected by the Environmental Services Department and placed in a different Basic Category of Development, in which case the first 15,000 square feet shall pay the rate assigned to such Basic Category of Development and the remainder at the undeveloped rate. The fixed charge will be computed only once per parcel per month, regardless of area.

E. Residential customers who qualify as low-income senior or low-income disabled under TMC 12.06.165 B shall be eligible for a 30 percent reduction from the regular storm drainage charges. The determination of low income senior and low income disabled status shall be made as set forth in TMC 12.06.165 B. Individuals must submit an application documenting such determination for review and acceptance by the Director to qualify for this reduction. The effective date for the rate reduction shall be the first day of the billing period in which the Director’s acceptance is granted.

(Ord. 28261 Ex. A; passed Dec. 9, 2014; Ord. 28128 Ex. A; passed Feb. 12, 2012; Ord. 28093 Ex. E; passed Oct. 16, 2012; Ord. 27968 Ex. A; passed Feb. 1, 2011; Ord. 27765 Ex. A; passed Dec. 9, 2008; Ord. 27554 § 8; passed Dec. 5, 2006; Ord. 27538 § 27; passed Oct. 24, 2006; Ord. 27285 § 15; passed Nov. 2, 2004; Ord. 27003 § 19; passed Nov. 19, 2002; Ord. 26729 § 14; passed Nov. 7, 2000; Ord. 26526 § 7; passed Nov. 30, 1999; Ord. 26338 § 9; passed Dec. 8, 1998; Ord. 25979 § 8; passed Nov. 19, 1996; Ord. 25802 § 19; passed Dec. 5, 1995; Ord. 25659 § 10; passed Jan. 24, 1995; Ord. 25521 § 7; passed Jun. 7, 1994; Ord. 25317 § 5; passed Jun. 8, 1993; Ord. 24879 § 26; passed May 21, 1991; Ord. 23792 § 1; passed Mar. 3, 1987; Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.510 Billing for storm and surface water sewerage charges.

The City shall bill for storm and surface water sewerage to each and every parcel of real property inside the boundary of the City except only as specifically excluded in TMC 12.08.530. Owners of parcels which are contiguous and have a single land use designation may receive a single bill for storm and surface water sewerage charges for all parcels by having the parcels consolidated on the Pierce County Assessor's tax rolls. Persons responsible for charges for sanitary sewerage or other City utility charges shall be the recipient of the monthly or bimonthly storm and surface water sewerage charges. Owners of vacant

property or property not otherwise receiving City utility bills shall be billed for storm and surface water sewerage charges. The owner or other responsible party as listed above may request that storm and surface water sewerage charges be billed to another party by request in writing in form and content approved by the Director. Such request, designation and billing to such other person shall not release any owner or other person from responsibility for payment of City storm and surface water sewerage charges, or release any parcel from the lien for delinquent charges, interest, costs, and fees allowed herein or by applicable law.

(Ord. 27538 § 28; passed Oct. 24, 2006; Ord. 25802 § 20; passed Dec. 5, 1995; Ord. 25587 § 35; passed Sept. 20, 1994; Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.520 Reconsideration of storm and surface water sewerage charges.

If an owner or other person responsible for paying storm and surface water sewerage charges is of the opinion that the rate thereof and resulting charge applicable to that owner or other person is based on erroneous information, that owner or other person may produce such information as the Director reasonably requires and, if warranted in the reasonable opinion of the Director, the Director shall make an appropriate adjustment to such rate or charge.

(Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.530 Exclusions of certain properties from storm and surface water sewerage charges.

Storm and surface water sewerage charges shall not be levied directly to parcels owned and maintained by the Environmental Services Surface Water Utility and any City street, road, alley or right-of-way the storm and surface water drainage function of which has been transferred to and made a part of the Municipal Sewer System by Ordinance No. 21638 passed April 3, 1979; it being expressly found that all such City streets, roads, alleys and rights-of-way provide storm and surface water sewerage to the City by collecting and transporting storm and surface water from multiple individual properties to Storm Sewers of a value equal to the reasonable charge therefor that would otherwise be charged by the City.

(Ord. 28261 Ex. A; passed Dec. 9, 2014; Ord. 28128 Ex. A; passed Feb. 12, 2012; Ord. 26526 § 8; passed Nov. 30, 1999; Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.540 Organized drainage or drainage improvement districts.

Any organized drainage or drainage improvement district in existence on April 1, 1979, the boundary of which is wholly or partly within the boundary of the City on that date, may seek relief from City storm and surface water sewerage charges to the extent that it can prove to the satisfaction of the Director that such district provides storm and surface water sewerage within the boundary of the City. Nothing herein shall expressly or by implication constitute City or City Council approval or ratification of, or agreement or consent to, any act, undertaking or omission by any such district.

(Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.550 Waterfront properties. *Repealed by Ord. 26526.*

(Ord. 26526 § 9; passed Nov. 30, 1999; Ord. 25979 § 9; passed Nov. 19, 1996; Ord. 24879 § 27; passed May 21, 1991; Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.560 Low impact development stormwater and surface water systems.

A. The rate of computation of stormwater and surface water charges applicable to premises that have on them an approved low impact development stormwater and surface water system that achieves runoff characteristics equivalent to pre-development, forested conditions, may be reduced one Basic Category of Development lower in rate of such computation than that in which the premises would otherwise be placed, as determined by the Director in his or her discretion, after taking into account the effectiveness of the system. In order to qualify under this section, the owner of the premises must have obtained the proper permits and constructed the system according to plans approved by the Director, and the system must exceed the minimum requirements that would be required by applying the City's current Stormwater Management Manual. The owner shall be responsible for all costs of the proper operation and maintenance of such system and shall submit annual maintenance reports to the Director. The Director reserves the right to inspect all stormwater and surface water systems approved or sought to be approved under this section to ascertain that they function properly. If at any time such system fails to retain stormwater or surface water in a volume and for a period of time to justify the reduction of stormwater and surface water sewerage charges as determined by the Director by appropriate engineering standards, or if the owner fails to submit the annual maintenance reports, the Director may increase the Basic Category of Development to one which reflects the effectiveness, if any, of such system, or the Director may revoke approval of the system irrespective of prior approval by the Director of either the system or plans therefor.

B. Notwithstanding any rate reduction authorized, permitted or provided for in this section, no rate computation shall be reduced below that applicable to undeveloped land.

(Ord. 28261 Ex. A; passed Dec. 9, 2014: Ord. 28168 Ex. A; passed Sept. 9, 2013: Ord. 28128 Ex. A; passed Feb. 12, 2012: Ord. 27003 § 20; passed Nov. 19, 2002: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.600 Billing periods, payments, and collections.

A. All bills for wastewater and surface water service charges as set forth herein shall be rendered monthly or bimonthly as shall be determined by the City Manager and shall become due and payable at the office of the City Treasurer or such other places as approved by the City Treasurer on or before the 15th day after the statement has been mailed and shall become delinquent thereafter.

B. For any service charge which becomes delinquent, the party shall be charged a late payment fee as set forth in Chapter 12.01 TMC. Any service charge which becomes delinquent, together with interest, also shall immediately become a lien against the premises served under RCW 35.67.200. Such lien may be foreclosed by the City in the manner provided by Chapter 35.67 RCW. In the event that the City files or releases a lien with the County Auditor, a processing fee will be added to the delinquent amounts owed equivalent to the current fees charged by the County Auditor for filing or releasing a lien. The processing fee will be allocated to Wastewater Management or Surface Water Management Funds, as appropriate, and, for City tax purposes, recorded as revenue. In addition to such foreclosure, a customer whose said Wastewater Management or Surface Water Management account is delinquent shall also be subject to having City water utility services terminated for the subject premises (or other premises owned or rented by the customer), which termination shall continue until satisfactory arrangements are made to satisfy the delinquency.

C. Rates due under this chapter shall be computed by carrying the computation to the third decimal place and rounding to a whole cent using a method that rounds up to the next cent whenever the third decimal place is greater than four.

(Ord. 28261 Ex. A; passed Dec. 9, 2014: Ord. 28160 Ex. A; passed Jul. 9, 2013: Ord. 28128 Ex. A; passed Feb. 12, 2012: Ord. 27765 Ex. A; passed Dec. 9, 2008: Ord. 27538 § 28; passed Oct. 24, 2006: Ord. 27285 § 16; passed Nov. 2, 2004: Ord. 27003 § 21; passed Nov. 19, 2002: Ord. 26729 § 15; passed Nov. 7, 2000: Ord. 25587 § 36; passed Sept. 20, 1994: Ord. 23337 § 4; passed Sept. 10, 1985)

12.08.610 Property owner liability – Supplemental charges.

A. The owner(s) of property, whether inside or outside the City, from which material in violation of this chapter is discharged into the Municipal Sewer System shall be liable to pay any supplemental charges the City incurs to respond to such violation. Liability for supplemental charges under this section shall also apply to any person responsible for discharging a material in violation of this chapter into the Municipal Sewer System, regardless whether they own the property from which the prohibited discharge originates. Assessment of supplemental charges shall be in addition to: (a) any enforcement action the City may pursue under TMC 12.08.670 or TMC 12.08.675 to address a violation of Chapter 12.08 TMC; (b) any cost recovery remedy available to the City under state and federal environmental laws and regulations; and (c) any other remedy available at law to address a violation of Chapter 12.08 TMC.

1. Supplemental charges are all incidental expenses the City incurs responding to a violation covered by subsection A. above. The term “incidental expenses” includes all of the City’s costs to address the violation, including, but not limited to: (a) personnel costs, both direct and indirect; (b) any costs the City incurs to investigate, contain, and abate the discharge, including cleaning up any contamination caused by the discharge that may be present within the Municipal Sewer System, at the point of discharge, and/or in the receiving environment; (c) costs to document and enforce the violation; (d) contracting costs to hire a contractor(s) or consultant(s) and contract payments to such contractor(s) and consultant(s); (e) laboratory cost and analytical expenses; (f) costs for equipment, materials, and supplies; (g) mobilization, transportation, treatment, storage, and disposal costs; (h) attorney’s fees, when authorized; (i) the costs of any required printing or mailing; and (j) the costs of collection for unpaid supplemental charges.

2. Any supplemental charges assessed shall become due and payable to the City within 30 calendar days of receipt of such assessment. Persons wishing to appeal the assessment of supplemental charges may do so in accordance with TMC 12.08.678. If supplemental charges are appealed and affirmed in whole or in part, such charges shall become due and payable within 30 calendar days of receipt of a final decision by the Hearing Examiner or a court. The City may pursue collection of non-payment of supplemental charges by any lawful means authorized, including referral to a collection agency.

(Ord. 27978 Ex. A; passed Apr. 26, 2011: Ord. 27285 § 17; passed Nov. 2, 2004: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.620 Contracts with the state, sewer or water districts and other municipal corporations.

Whenever, in view of the sanitary and storm and surface water sewerage requirements of the City, the Municipal Sewer System has adequate capacity, the City may contract with the state, with any incorporated sewer district or water district which is successor by merger with a sewer district or with any other municipal corporation for the discharge into the Municipal Sewer System of sanitary sewage, or wastewater, or storm or surface water, from any state property or all or any

part or parts of such sewer or water district or municipal corporation, or for discharge into the system of sewers of any sewer or water district or municipal corporation of sanitary sewage, wastewater, or storm or surface water, from any part or parts of the City, upon such terms and conditions and for such periods of time as may be deemed reasonable.

(Ord. 27285 § 18; passed Nov. 2, 2004: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.630 Sewer fund created.

There be and is hereby created in the Treasury of the City a special fund to be known as the “Sewer Utility Fund.” Any and all revenues received for the use of the Municipal Sewer System as set forth herein, from revenues received from the sale of byproducts from a treatment facility of the Municipal Sewer System or from any other source for rental, use, or services rendered by the Municipal Sewer System, shall be credited to this fund and all expenses for the operation, maintenance, and repair of the Municipal Sewer System shall be charged to this fund. It is intended that in enacting this section that Section 13 of Ordinance No. 13989, passed October 4, 1950, be substantially reenacted hereby.

(Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.640 Environmental Services Conservation Loan Program.

There is established in the City a new program to be known as the “Environmental Services Conservation Loan Program” (“Program”). The Treasurer of the City is hereby authorized to transfer sufficient funds from the Wastewater Management or Surface Water Management Fund, as appropriate, to the Conservation Loan Fund in order to administer the Program. Disbursement of funds from the Conservation Loan Fund shall be made in the manner as provided by law.

Moneys allocated to the Conservation Loan Fund are to be used exclusively to provide loans for City of Tacoma wastewater or surface water customers to purchase and install materials and equipment that help conserve conveyance and treatment capacity in the City’s stormwater or sanitary sewer system and/or reduce pollution in discharges to the wastewater treatment plants or waters of the state. Except as provided by law, loans shall be secured by a lien against the benefited property or a security interest in the equipment benefited, and the Conservation Loan Fund shall be sustained by borrower payments, which shall include reasonable interest. The Director shall determine and administer the policies and operation of the Environmental Services Conservation Loan Program. The Director is authorized to implement any and all remedies to collect the payments for the loans, which may include foreclosure of the liens and/or security interests, as well as terminating water service to the premises.

(Ord. 27003 § 22; passed Nov. 19, 2002: Ord. 26729 § 16; passed Nov. 7, 2000: Ord. 26338 § 10; passed Dec. 8, 1998)

12.08.650 Board of Review. *Repealed by Ord. 24879.*

(Ord. 24879 § 28; passed May 21, 1991: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.660 Falsifying information. *Repealed by Ord. 25587.*

(Ord. 25587 § 37; passed Sept. 20, 1994: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.670 Violation – Penalties.

Any person found guilty of willfully violating, without sufficient cause, any of the provisions of this chapter, or permit or order issued pursuant to this chapter, is guilty of a gross misdemeanor, and on conviction shall be punished by a fine of up to \$5,000.00, or by imprisonment for up to 365 days, or by both such fine and imprisonment. Each day's violation may be deemed a separate offense and shall be subject to a penalty assessment for each day during the period of violation.

(Ord. 25587 § 38; passed Sept. 20, 1994: Ord. 24307 § 7; passed Mar. 7, 1989: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.675 Notice of violation – Civil penalties.

A. Notice of Violation. When the Director finds that a civil violation of this chapter has occurred or is occurring, then the Director may issue a notice of violation to the person responsible for the violation. The issuance of a notice of violation represents a determination that a violation of this chapter has occurred or is occurring. The notice of violation may include civil penalties, corrective action orders, as well as corrective action/compliance schedules under TMC 12.08.140.E.7. The determination is final unless a hearing is requested as provided for in this chapter.

B. Content of Notice. The notice of violation shall include the following information:

1. The name and address of the person responsible for the violation; and
2. The street address where the violation has occurred or is occurring or, in the alternative, a description sufficient for identification of the building, premises, or land upon which the violation has occurred or is occurring; and

3. A description of the violation and a reference to the provision(s) of the City of Tacoma regulation which has been violated; and
4. A statement establishing a civil penalty, corrective action order, and/or compliance schedule, as applicable; and
5. A statement that the notice of violation represents a determination that a violation of the provisions of Chapter 12.08 TMC has occurred, and that the determination is final unless a hearing is requested within 30 days from the date of the notice; and
6. A statement indicating that any hearing scheduled as a result of an appeal may be canceled if the Director finds that the violator has complied with the actions required by the notice; and
7. A statement that a civil penalty in an amount not to exceed \$5,000 for each violation, for every day the violation continues, may be assessed against the person to whom the notice of violation is directed; and
8. A statement of the options available to respond to the notice of violation and the procedures necessary to exercise these options.

C. Service of Notice. The Director shall serve the notice of violation upon the person to whom it is directed, either personally or by mailing a copy of the notice of violation to such person at the person's last known address, postage prepaid by certified mail with return receipt requested, or by first-class mail. Proof of service shall be established by the date and signature of the addressee on the certified mail "return receipt" form, or upon the third day following the date upon which the notice of violation was placed in the mail, unless the third day falls on a Saturday, Sunday, or legal holiday, in which event service shall be deemed complete on the end of the next day which is neither Saturday, Sunday, or a legal holiday. If the person to whom the notice of violation is directed cannot after due diligence be personally served within Pierce County, and if an address for mailed service cannot after due diligence be ascertained, then notice shall be served by posting a copy of the notice of civil violation conspicuously on the property or structure where the violation occurred, or is occurring. In this circumstance, proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the manner by which the service was made, and if service is made by posting, then the facts showing that due diligence was used in attempting to serve the person personally or by mail.

D. Civil Penalty. In enforcement actions, under this chapter, where a civil penalty is assessed, the civil penalty for each separate violation per day or portion thereof shall be in an amount not to exceed \$5,000. Each and every violation shall be a separate and distinct offense. In case of a continuing violation, every day's continuance shall be a separate and distinct violation. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated the provisions of this chapter and shall be subject to the penalty herein provided. Failure to take corrective action as specified in a corrective action order issued by the Director under Chapter 12.08 may subject the recipient to a civil penalty in an amount not to exceed \$5,000 for each day of continued noncompliance.

E. Continued Duty to Correct. Payment of the civil penalty does not relieve the person to whom the notice of violation was issued of the duty to correct the violation.

F. Collection of Penalty. The civil penalty constitutes a personal obligation of the person to whom the notice of civil violation is directed. Any civil penalty assessed shall be paid to the City of Tacoma within 30 calendar days of receipt of such notice or, if appealed, within 30 calendar days of receipt of the Hearing Examiner's decision or a notice from the City that penalties are due.

G. Any person who has received a notice of violation shall respond to such notice within 30 days of the date of the notice. For the purposes of this section, a response may take the following forms:

1. If the person receiving the notice of violation does not contest the terms of such notice, the person shall respond within thirty (30) days by paying any civil penalties that may be assessed, and by taking any corrective actions that may be required by the Director. The Director shall not be bound by the corrective action or the amounts of civil penalties contained in the notice of civil violation, and the Director may make such modifications to the notice as will accomplish the purposes of this chapter.
2. If the person decides to contest the notice of violation, including any civil penalties, orders, requirements, decisions, or determinations that may be contained within such notice, the person shall file a written appeal with the Hearing Examiner within thirty (30) days from the date the notice of violation was received. The date of receipt shall be established according to the proof of service requirements set forth in TMC 12.08.675.C. above. . The person shall file the appeal by submitting it, either by mail or in person, with the office of the Hearing Examiner.

H. Hearing Before the Hearing Examiner.

1. Notice. A person to whom a notice of civil violation is issued that has filed a request for a hearing before the Hearing Examiner will be scheduled to appear at a prehearing before the Hearing Examiner not less than 15 calendar days after the request for hearing has been filed.

2. **Prior Correction of Violation.** The hearing before the Hearing Examiner may be canceled if the person to whom a notice of civil violation is issued agrees in writing to comply with the requirements of the notice.

3. **Procedure.** The Hearing Examiner shall conduct a hearing in the notice of violation appeal pursuant to the requirements of Chapter 1.23 TMC, and the City of Tacoma Office of Hearing Examiner Rules of Procedure for Hearing. The person to whom the notice of civil violation was directed shall have the right to file a written answer to the charge. The person to whom the notice of civil violation was directed shall have the right to appear at the hearing represented by legal counsel, and may participate as a party. The Director may appear in proceedings under this chapter, and may, but need not, be represented by the City Attorney. Each party may call and cross-examine witnesses, and be fully heard. The burden of proof in such hearings shall be governed by TMC 1.23.070.C. The determination of the Director as to the need for the required corrective action shall be accorded substantial weight by the Hearing Examiner in determining the reasonableness of the required corrective action. The Hearing Examiner may call witnesses on the Examiner's own motion, and compel the production of books, records, papers, and such other evidence needed by the parties. To that end, the Hearing Examiner may issue subpoenas and subpoenas duces tecum at the request of any party. All testimony shall be given under oath administered by the Hearing Examiner.

4. **Decision of the Hearing Examiner.** Pursuant to Chapter 1.23 TMC, the Hearing Examiner shall make, and fully record in the Hearing Examiner's permanent records, findings of fact, conclusions of law, and an order of disposition. The Hearing Examiner shall determine whether the City has established that a violation has occurred and whether the required corrective action is reasonable. The Hearing Examiner's order shall affirm, vacate, or modify the City's decisions regarding the alleged violation and/or the required corrective action, with or without written conditions. The Hearing Examiner shall issue an order to the person responsible for the notice of civil violation which contains the following information:

- a. The decision regarding the alleged violation including findings of fact and conclusions based thereon in support of the decision;
- b. The required corrective action;
- c. The date and time by which the corrective action must be completed; and
- d. The civil penalties assessed.

I. **Assessment of Civil Penalties.** Civil penalties assessed by the Director shall be in accordance with the provisions of this section. Civil penalties shall be reasonably calculated to achieve compliance with, and deter future violation of, the Tacoma Municipal Code. In reviewing a civil penalty assessed by the Director, the Hearing Examiner shall consider the following factors:

1. Whether the person against whom the notice of civil violation was issued responded to staff attempts to contact that person, and whether the person against whom the notice of civil violation was issued cooperated with efforts to correct the violation;
2. Whether the person against whom the notice of civil violation was issued failed to appear at the hearing;
3. Whether the violation was a repeat violation;
4. Whether the person against whom the notice of civil violation was issued showed due diligence and/or substantial progress in correcting the violation;
5. Whether a genuine code interpretation issue exists; and
6. Any other relevant factors.

J. **Notice of Decision.** The Hearing Examiner shall mail a copy of the decision to the appellant and to the Director within 10 days of the Hearing Examiner's decision.

K. **Failure to Appear.** Failure on the part of the person to whom the notice of civil violation was issued constitutes an admission to the violations alleged. If the person to whom the notice of civil violation was issued fails to appear at the scheduled hearing, the Hearing Examiner will enter an order finding that the violation occurred, and assessing the appropriate civil penalty. The City will carry out the Hearing Examiner's order, and recover all related expenses.

L. **Appeal to Municipal Court.** If the Hearing Examiner orders any person to pay a civil penalty, that person may appeal, in the form of a trial de novo, to the Tacoma Municipal Court.

1. The Tacoma Municipal Court shall hear the case according to the Civil Rules for Courts of Limited Jurisdiction, and applicable local rules of the Court.
2. Appeal shall be taken by filing in the Tacoma Municipal Court a notice of appeal within 14 days of the Hearing Examiner's order. The person filing the appeal shall also, within the same 14 days, serve a copy of the notice of appeal on the Hearing Examiner, the Director, the City Attorney, and shall file an acknowledgment or affidavit of service in the Tacoma Municipal Court.

M. Nonexclusive Remedy. The provision for civil penalties is not exclusive, and civil penalties may be used together with other remedies that may exist in law or in equity, except that no act or omission that is defined as a crime by Washington or federal statutory law shall incur a civil penalty.

(Ord. 27978 Ex. A; passed Apr. 26, 2011: Ord. 27538 § 30; passed Oct. 24, 2006: Ord. 27285 § 19; passed Nov. 2, 2004: Ord. 27003 § 23; passed Nov. 19, 2002: Ord. 25587 § 39; passed Sept. 20, 1994: Ord. 24879 § 29; passed May 21, 1991)

12.08.677 Dischargers in significant noncompliance.

Industrial Dischargers found by the Director to be in significant noncompliance, as defined in 40 CFR Part 403 and Chapter 12.08 TMC during a 12-month period may be listed and their names published annually in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by Tacoma.

(Ord. 27978 Ex. A; passed Apr. 26, 2011: Ord. 27765 Ex. A; passed Dec. 9, 2008: Ord. 25802 § 21; passed Dec. 5, 1995: Ord. 25587 § 40; passed Sept. 20, 1994)

12.08.678 Appeals of orders, requirements, decisions and determinations.

Any person wanting to contest an order, requirement, decision, or determination made by the Director in enforcing the provisions of this chapter to the Hearing Examiner shall file a written appeal with the Hearing Examiner and request a hearing within thirty days of receipt of such order, requirement, decision, or determination. The date of receipt shall be established according to the proof of service requirements set forth in TMC 12.08.675.C. above. The Hearing Examiner shall conduct a hearing in the appeal of an order, requirement, decision, or determination by the Director pursuant to the requirements of TMC 1.23, and the City of Tacoma Office of Hearing Examiner Rules of Procedure for Hearing. The burden of proof in such hearings shall be governed by TMC 1.23.070.C. In exercising such powers of review, the Hearing Examiner may, in conformity with the provisions of the law, reverse or affirm the Director's order, requirement, decision, or determination in whole or in part, or may modify the order, requirement, decision, or determination and make such order as appears just to the Hearing Examiner.

(Ord. 27538 § 31; passed Oct. 24, 2006: Ord. 25587 § 41; passed Sept. 20, 1994)

12.08.680 Severability – Saving.

If any portion of this chapter, as now or hereafter amended, or its application to any person or circumstances, is held invalid, unenforceable or unconstitutional, such adjudication shall not affect the validity of this ordinance or of this chapter, as now or hereafter amended, or any section, provision or part hereof or thereof not adjudicated to be invalid, unenforceable or unconstitutional, and its application to other persons or circumstances shall not be affected.

(Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.700 Utility Reimbursement Agreements Wastewater and Surface Water Utility Improvements.

A. Purpose. The purpose of this section is to prescribe rules and regulations for exercise of the authority to enter into a Utility Reimbursement Agreement granted to the City pursuant to RCW 35.91.

B. Definitions. As used in this section, the terms listed below shall be defined as follows:

“Applicant” means any private individual or corporation using private funds to install Wastewater or Surface Water improvements in a public right-of-way that will benefit other property owners (Latecomers) who will develop their properties after said improvements.

“Cost of Construction” means those costs incurred for design, acquisition for right-of-way and/or easements, construction, materials, and installation required in order to create an Improvement which complies with City standards. Until such time as RCW 35.91 is amended to expressly authorize inclusion of interest charges or other financing costs, such expenses shall not be included in the calculation of construction costs. In the event of a disagreement between the City and the Applicant concerning the cost of the Improvement, the Director’s determination shall be final.

“Director” means the Director of the Environmental Services Department or his or her designated representative.

“Improvements” means all Wastewater and Surface Water improvements and appurtenances required by the City that provide benefits to properties to other than those owned or otherwise controlled by the Applicant.

“Latecomer” means any private individual or corporation that benefits from Wastewater or Surface Water improvements installed by others, providing these Improvements are subject to a valid Latecomers agreement.

“Owner” means the builder or developer of a Wastewater or Surface Water system improvement.

“Utility Reimbursement Agreement” means a written contract between the City and one or more property owners providing for construction of water or sewer facilities and for partial reimbursement to the party causing such improvements to be made of a portion of the costs of such Improvements by owners of property benefited by the Improvements, as more specifically described in RCW 35.91.

“Utility Reimbursement Area” means the area served in being benefited by the system, as defined above.

“Wastewater or Surface Water Facilities” shall have the meaning specified in RCW 35.91.020 as it now reads or as hereafter amended.

C. Project Requirement. In order to be eligible for a Utility Reimbursement Agreement, the estimated cost of the proposed Improvement must not be less than \$25,000. This ordinance may be applied to any facility that has not been fully accepted as operational by the City on or after January 1, 2005. The estimated cost of the Improvement shall be determined by the Director, based upon a construction contract for the project, bids, engineering or architectural estimates, or other information deemed by the Director to be a reliable basis for estimating costs. The determination of the Director shall be final.

D. Application. An application for a Utility Reimbursement Agreement shall be made on a form provided by the City. The application fee shall be set by the Director and shall be submitted to the City with the written application and shall be accompanied by:

1. Preliminary utility design drawings;
2. Itemized estimate of construction costs prepared and signed by a licensed civil engineer or in the form of a bid submitted by a qualified contractor (if more than one bid has been obtained, all bids must be submitted to the City);
3. A scaled vicinity drawing, stamped by a licensed civil engineer or licensed land surveyor depicting the improvements and their location and the proposed benefited area, including dimensions and county assessor’s numbers for each tax parcel, size of parcels, and evaluations where necessary for determining benefits;
4. The proposed list of properties within the Utility Reimbursement Area, stating the proposed reimbursement amount;
5. A complete list of record owners of property within the proposed Utility Reimbursement Area certified as complete and accurate by the Applicant and which states names and mailing addresses for each such owner;
6. Envelopes addressed to each of the record owners of property within the Utility Reimbursement Area who have not contributed their pro rata share of such costs. Proper postage for certified mail shall be affixed or provided;
7. A separate legal description for each tax parcel within the benefited area;
8. Such other information as the Director determines is necessary to properly review the application; and
9. An application fee of \$300.

E. Length of Reimbursement Provision. No Utility Reimbursement Agreement shall provide for reimbursement for a period of longer than fifteen (15) years from the date of final acceptance of the improvements by the City.

F. Director’s Determination.

1. The Director shall review all applications and shall approve the application only if the following requirements are met:

- a. The project satisfies the minimum size requirement, Section C; and
- b. The proposed Improvements fall within the description of Surface Water or Wastewater Facilities, as those terms are described in RCW 35.91; and
- c. The proposed improvements are not completed prior to January 1, 2005. After December 31, 2006, application will have to be made prior to commencing construction of the system.

2. In the event all of the above criteria are not satisfied, the Director may condition approval, as necessary, in order for the application to conform to such criteria, or shall deny the application. The final determination of the Director shall be in writing.

G. Determination of Utility Reimbursement Area Boundary and Reimbursement Fee. In the case of all approved applications, the Director shall define the Utility Reimbursement Area based upon a determination of which parcels did not contribute to the original cost of the water or sewer facility for which the Utility Reimbursement Agreement applies and which may subsequently tap into or use the same, including not only those which may connect directly thereto, but also those who may connect to laterals, branches, or pump stations connecting thereto. An estimated amount of the reimbursement fee shall be established so that each property will pay a share of the costs of the Improvements that is proportional to the benefits accruing

to the property. The reimbursement fee shall be calculated by dividing the area of the property being connected to the system by the overall area that is benefited by the system; this amount shall be multiplied by the Cost of Construction.

H. Utility Reimbursement Agreement Must Be Recorded. In order to become effective, a Utility Reimbursement Agreement must be recorded with the office of the Pierce County Department of Records and Elections. It shall be the sole responsibility of the beneficiary of the Utility Reimbursement Agreement to verify the agreement has been recorded.

I. Written Agreement—City Payment of City Costs in Excess of Application Fee.

1. Upon approval of the application, determination of the estimated Cost of Construction, the Utility Reimbursement Area, and estimated fees by the Director, the Applicant shall sign a Utility Reimbursement Agreement in the form supplied by the City. The signed agreement, the application, and supporting documents, together with the Director's estimate of the Cost of Construction and determination of Utility Reimbursement Area and estimated fees shall be drawn into a written agreement between the City and the Applicant.

2. In the event that costs incurred by the City for engineering or other professional consultant services required in processing the application exceed the amount of the application fee, execution of the agreement shall be conditioned upon receipt of payment by the Applicant of an additional amount sufficient to compensate the City for its costs in excess of the application fee.

J. Construction and Acceptance of Improvement—Recording of Final Fees.

1. After the Utility Reimbursement Agreement has been signed by both parties and all necessary permits and approvals have been obtained, the Applicant shall construct the Improvement and, upon completion, request final inspection and acceptance of the Improvement by the City, subject to any required obligation to repair defects. An appropriate bill of sale, easement, and any other document needed to convey the Improvement to the City and to ensure right of access for maintenance and replacement shall be provided, along with documentation of the actual costs of the Improvement and a certification by the Applicant that all of such costs have been paid.

2. In the event that actual costs are less than the Director's estimate used in calculating the estimated fees by 10 percent or more, the Director shall recalculate the fees, reducing them accordingly, and shall cause a revised list of fees to be recorded with the county auditor.

K. Notice to Property Owners. Prior to execution of any contract with the City establishing a Utility Reimbursement Agreement, the Director, or his or her designee, shall provide notice, via certified mail, to all record property owners within the Utility Reimbursement Area. As defined by the City on the basis of information and material supplied by the Applicant stating the preliminary boundaries of such an area and assessments along with substantially the following statement: "As a property Owner within the Utility Reimbursement Area, whose preliminary boundaries are enclosed with this notice, you or your heirs and assigns will be obligated to pay, under certain circumstances, a pro rata share of construction and contract administration costs of the certain Wastewater or Surface Water Utility project that has been preliminarily determined to benefit your property. The proposed amount of such pro rata share is also enclosed with this notice. You or your heirs and assigns shall be required to pay said share before any development permits are issued for development on your property within 15 years of the date that a contract establishing such area is recorded with Pierce County, provided your development would have required similar Surface Water or Wastewater Utility Improvement for approval. You have the right to request a hearing before the Director within twenty (20) days of the date of this notice. All such requests must be made in writing and filed with the City Clerk. After the Utility Reimbursement Agreement has been recorded, it shall be binding on all owners of record within the Utility Reimbursement Area who are not a party to the Utility Reimbursement Agreement."

L. Collection of Reimbursement Fees.

1. Subsequent to the recording of a Utility Reimbursement Agreement, the City shall not permit connection of any property within the Utility Reimbursement Area to any sewer or water facility constructed pursuant to the Utility Reimbursement Agreement, unless the share of the costs of such facilities required by the recorded agreement is first paid to the City.

2. Upon receipt of any reimbursement fees, the City shall deduct a 15 percent administrative fee and remit the balance of the reimbursement fees to the party entitled to the fees pursuant to the agreement. In the event that, through error, the City fails to collect a required reimbursement fee prior to approval of connection to a sewer or water facility, the City shall make diligent efforts to collect such fee, but shall under no circumstances be obligated to make payment to the Applicant entitled to reimbursement, or in any other way be liable to such party, unless such reimbursement fee has actually been paid to the City.

M. Segregation of Reimbursement Fees. The Utility Reimbursement Agreement shall provide that the City is authorized to make segregation or adjustments to reimbursement fees because of subdivision or boundary line adjustment of the benefited properties. The segregation or adjustment shall generally be made in accordance with the method used to establish the original reimbursement fees. Segregation or adjustment shall not increase or decrease the total reimbursement fees to be paid.

N. Disposition of Undeliverable Reimbursement Fees. In the event that, after reasonable effort, the party to which the reimbursement fees are to be paid, pursuant to a Utility Reimbursement Agreement, cannot be located and upon the expiration of one hundred eighty (180) days from the date the fees were collected by the City, the fees shall become the property for the City and shall be revenue to the City Wastewater and Surface Water utilities.

O. Rights and Nonliability of the City. The City reserves the right to enter into any Utility Reimbursement Agreement or to reject any application thereof. All applications for Utility Reimbursement Agreements shall be made on the basis that the Applicant releases and waives any claims for any liability of the City in establishment and enforcement of Utility Reimbursement Agreements. The City shall not be responsible for locating any beneficiary or survivor entitled to benefits by or through Utility Reimbursement Agreements.

P. Severability. If any section, sentence, clause, or phrase of this section should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this chapter.

Q. City Funding. As an alternative to financing projects under this section solely by owners of real estate, the City may join the financing of Improvement projects and may be reimbursed in the same manner as in the owners of real estate to participate in the projects, if the City has specified the conditions of its participation in an ordinance. As another alternative, the City may create a Utility Reimbursement Area on its own initiative, without the participation of a private property owner, finance the cost of the Surface Water or Wastewater Utility Improvement, and become the sole beneficiary of the reimbursements that are contributed. The City may be reimbursed only for the cost of the Improvement that benefit that portion of the public who will use the developments within the Utility Reimbursement Area established pursuant to this section. No City costs for the Improvement that benefits the general public may be reimbursed.

R. Director’s Action. If any owner of property within the proposed Utility Reimbursement Area requests a hearing in writing within twenty (20) days of the mailing of the property owner notification, a hearing shall be held before the Director, notice of which shall be given to all affected property owners in addition to the regular notice requirements specified by this code, the cost of which shall be borne by the Applicant. At a hearing, the Director shall take testimony from affected property owners and make a final determination of the area boundaries, the amount of assessments, length of time for which reimbursement shall be required, and shall authorize the execution of appropriate documents. The Director’s ruling of these matters is determinative and final. If no hearing is requested, the Director may consider and take final action on these matters at any public meeting twenty (20) days after notice was mailed to the affected property owners.

(Ord. 28093 Ex. E; passed Oct. 16, 2012; Ord. 27502 § 1; passed Jun. 27, 2006)

12.08.720 Side Sewer Condition Education Requirement.

A. Purpose. The purpose of this section is to establish the distribution requirements for private side sewer educational flyers at the time of sale, major building remodel or additions to properties within the City of Tacoma, in order to educate property owners on the conditions of private side sewers, and to encourage the reduction in quantity of inflow and infiltration into the sanitary sewer system. The educational flyer distribution requirements take effect on December 1, 2010. The City encourages owners to be proactive in making private side sewer or building repairs to eliminate infiltration and inflow to the sanitary sewer system. The City offers financial assistance to qualified customers through the Environmental Services Conservation Loan Program, per TMC 12.08.640, to aid with the cost of performing private side sewer repairs or replacement.

B. Definitions. As used in this section, the terms listed below shall be defined as follows:

“Cleanout” means a section of pipe that extends from the underground private side sewer to the ground surface which is used to access the private side sewer for the purposes of cleaning and inspecting the private side sewer.

“Condominium” means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners and unless a declaration and a survey map and plans have been recorded, pursuant to RCW 64.34.020.

“Direct Connection” means any piped connection to the private side sewer that conveys stormwater or surface water to the sanitary sewer system. Examples of direct connections include roof drains, sump pumps, footing drains, area drains, yard drains, and driveway drains.

“Director” means the Director of the Environmental Services Department or his or her designated representative.

“Educational Flyer” means the document prepared by the City that provides educational information to property owners regarding the condition of side sewers and private ownership and maintenance responsibilities.

“Infiltration” means any groundwater that makes its way into the private side sewer via defects in the pipe, such as cracks, holes, unsealed joints, and root penetrations.

“Inflow” means any water that is dumped or conveyed into the sanitary sewer system through improper or direct connections. Examples of improper or direct connections include roof drains, footing drains, area drains, yard drains, and driveway drains.

“Private Side Sewer” means the sewage conveyance pipe owned by the property owner that extends from approximately two feet outside of a building or structure to the connection at the public sanitary sewer main. In most circumstances, a portion of the private side sewer extends into public streets or alleys connecting to the public sewer main.

“Public Sewer Main” means the network of common sewage conveyance pipes that are owned, maintained, and operated by the City of Tacoma.

“Real Estate Professional” means the person(s) responsible for representing a buyer/seller or potential buyer/seller in the purchase transaction of a real property.

“Sell or Transfer of Title” means the sale or transfer of an entire real property estate or the fee interest in that real property estate and does not include the sale or transfer of a partial interest, including a leasehold.

“Owner” means any private individual or corporation that holds the title to a real property as shown by the Pierce County Assessor’s records.

C. Educational Flyer Distribution Requirement.

1. Effective December 1, 2010, property owners shall be provided with an educational flyer in the following circumstances:

- a. Prior to the sale or transfer of title for a real property that contains any building or structure with a private side sewer connecting to the public sewer main. The educational flyer shall be provided to the buyer and seller by the real estate professional(s) representing the buyer and seller.
- b. Prior to issuance of a building permit for a “substantial building renovation” (as defined in Chapter 2.06.070). The educational flyer shall be provided to the permit applicant by the City at the time of permit application. If the permit applicant is not the property owner, the educational flyer shall be provided to the property owner by the permit applicant.
- c. Prior to issuance of a building permit for any new buildings or additions to existing buildings in which the new structures or additions may be constructed over the top of the existing private side sewer. The educational flyer shall be provided to the permit applicant by the City at time of permit application. If the permit applicant is not the property owner, the educational flyer shall be provided to the property owner by the permit applicant.

2. This section shall not apply to any of the following:

- a. Transfer of title from one co-owner to one or more other co-owners.
- b. Transfer of title made to a spouse or to a person or persons in the lineal line of consanguinity of one or more of the transferors.
- c. Transfer of title between spouses resulting from a decree of dissolution of marriage or a decree of legal separation or from a property settlement agreement incidental to a decree.
- d. Condominiums, as defined in TMC 12.08.720.B.

D. Property owners are solely responsible for the construction, maintenance, operations, repairs, or replacement of the private side sewer and any surface reconstruction requirements when performing said repairs.

E. Violation – Penalties.

Persons who violate this section are subject to the enforcement provisions set forth in TMC 12.08.675, including a Notice of Violation and issuance of a corrective order under TMC 12.08.675.A and civil penalties assessed under TMC 12.08.675.D.

(Ord. 28093 Ex. E; passed Oct. 16, 2012; Ord. 27948 Ex. A; passed Nov. 16, 2010; Ord. 27934 Ex. A; passed Sept. 28, 2010; Ord. 27901 Ex. A; passed Jun. 29, 2010; Ord. 27857 Ex. A; passed Dec. 8, 2009)

12.08.740 Side Sewer and Sanitary Sewer Availability Manual.

All work necessary to repair, rehabilitate, replace, or construct new private side sewers shall be performed pursuant to a permit issued by the Director and in accordance with the standards set forth in the City of Tacoma’s Side Sewer and Sanitary Sewer Availability Manual.

(Ord. 27978 Ex. A; passed Apr. 26, 2011)

Chapter 12.09

SOLID WASTE, RECYCLING, AND HAZARDOUS WASTE

Sections:

- 12.09.010 Purpose.
- 12.09.020 Authority.
- 12.09.030 Definitions.
- 12.09.040 General requirements.
- 12.09.050 Transportation.
- 12.09.060 Requirements for containers.
- 12.09.070 Special permits.
- 12.09.080 Assistance to elderly and/or disabled individuals.
- 12.09.090 Rate reduction for low-income senior and low-income disabled individuals.
- 12.09.092 Authority to allow residential or commercial service.
- 12.09.095 Disposal rate reduction for qualifying nonprofit materials salvage/recycling corporation(s).
- 12.09.100 Collection.
- 12.09.105 Pilot Projects.
- 12.09.110 Residential automated and semi-automated services.
- 12.09.120 Commercial services.
- 12.09.130 Use of Recovery and Transfer Center Facility (disposal site) – General.
- 12.09.140 Disposal rates.
- 12.09.150 *Repealed.*
- 12.09.160 Billing periods, payments and collections.
- 12.09.170 Disposal area automated scale system cards.
- 12.09.180 State tax.
- 12.09.190 Prohibited material.
- 12.09.200 Disposal of asbestos-containing material.
- 12.09.210 Recycling – General.
- 12.09.220 Enforcement.
- 12.09.230 Violations – Penalties.
- 12.09.240 Notice of violations – Civil penalties.
- 12.09.250 Appeals of special permits.

12.09.010 Purpose.

The purpose of this chapter is to set forth the requirements for the collection, management, and proper handling of all solid waste, including recyclable materials, originating from residential, commercial, agricultural, and industrial operations and other sources within the City of Tacoma in order to prevent land, air, and water pollution, fly and rodent infestation, fire hazards, and damage to recreational values and to the environment; to conserve resources; and to maintain aesthetic values.

(Ord. 28262 Ex. A; passed Dec. 9, 2014: Ord. 25221 § 2; passed Dec. 8, 1992)

12.09.020 Authority.

The collection and disposal of solid waste within the City of Tacoma is compulsory and universal. The City of Tacoma asserts exclusive and universal control over the business of all solid waste collection, management, and disposal within the Tacoma city limits. It shall be a violation of this chapter for any person other than the City of Tacoma, acting through its Solid Waste Management Division, to engage in the business of collection, removal, and disposal of solid waste within the Tacoma city limits, except as provided in TMC 12.09.070, “Special permits.” There are hereby levied and imposed within the City of Tacoma mandatory service charges, at the rates and charges set forth in this chapter, for the collection, management, and disposal of all such solid waste or for the availability of such services.

(Ord. 28262 Ex. A; passed Dec. 9, 2014: Ord. 28129 Ex. A; passed Feb. 12, 2012: Ord. 27537 § 1; passed Oct. 24, 2006: Ord. 26728 § 1; passed Nov. 7, 2000: Ord. 26072 § 1; passed May 27, 1997: Ord. 25221 § 2; passed Dec. 8, 1992)

12.09.030 Definitions.

“Apartment customer.” An individual who physically occupies the subject dwelling unit.

“Asbestos-containing material.” Any material containing at least 1 percent asbestos determined by polarized light microscopy using the Interim Method of the Determination of Asbestos in Bulk Samples contained in Appendix A of Subpart F in 40 CFR Part 763.

“Ash.” The residue, including any flue dusts from combustion or incineration of material, including solid waste.

“Automated collection.” The method of collecting waste through the use of mechanical collection equipment and special containers to accommodate the collection.

“Automated collection container.” A City-owned container designed specifically for Solid Waste Management’s automated collection operation.

“Bulk waste.” Large items of solid waste including, but not limited to, appliances, furniture, trees, stumps, and other oversized waste.

“City” means the City of Tacoma.

“Collection vehicle.” A vehicle used for the collection and/or transportation of commercial or residential solid waste.

“Commercial customer.” Any business premises, industry, and mobile home park; organization (either private/public, profit/nonprofit); multi-family dwellings (triplex or larger); and dwelling units with one or more utilities paid for by a single entity and located on contiguous property.

“Container.” An approved Solid Waste Management or customer-owned portable container; e.g., can, recycling container, front load box, compactor, and drop-off box to be used for the deposit of solid waste therein.

“Construction and demolition waste.” Solid waste that is largely inert waste, resulting from the demolition or razing of buildings, roads, and other manmade structures. Demolition waste consists of, but is not limited to, concrete, brick, gypsum board, bituminous concrete, wood, masonry, composition roofing, roofing paper, steel, and minor amounts of other metals such as copper. Regulated asbestos-containing material is not considered to be demolition waste for the purpose of this chapter.

“Curbside container.” An approved solid waste or recycling container that is to be placed on the curb in such a way as to allow for safe automated or semi-automated collection or an approved container that is to be placed on the curb for manual pickup.

“Customer.” Any person or entity receiving service from Solid Waste Management.

“Dangerous/hazardous waste.” Solid waste presently defined in WAC 173-303 or as hereafter amended.

“Director.” The Director of the Environmental Services Department or his/her duly authorized representative.

“Disposal site.” The location where any treatment, utilization, collection, processing, or final deposition of solid waste occurs.

“Double Pick.” When a container or compactor requires double-handling in order to be hauled or emptied.

“Drop-off box (DOB).” A large-volume (10 cubic yards or greater) detachable City- or customer-owned container that can be pulled onto a collection vehicle mechanically for transportation.

“Dusty Loads.” Any load intended for disposal that consists of particulate matter that becomes easily airborne, as determined by Solid Waste Management.

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

“Dwelling unit.” Any building or portion thereof that contains living facilities (which provide for sleeping, eating, cooking, and sanitation as required by this code) for not more than one household.

“Extra solid waste.” Any solid waste placed on, in, or around the vicinity of the collection container in excess of the capacity of the container.

“Front-load container.” A City- or customer-owned container, from one yard to eight yards in capacity, designed to be emptied by an automated front-loading truck.

“Health Department.” The Tacoma-Pierce County Health Department.

“Household hazardous waste.” A waste product derived from a residential or apartment customer which has the characteristic of dangerous waste presently defined under WAC 173-303 or as hereafter amended. This waste includes, but is not limited to, household cleaners, automotive products, pesticides, and herbicides.

“Incineration.” The controlled combustion of solid waste that yields nonputrescible residues and air effluents in compliance with applicable air pollution regulations.

“Infectious waste.” Waste from medical, dental, intermediate care facilities, research centers, veterinary clinics, and other similar facilities that have the potential to cause an infectious disease via exposure to a pathogenic organism of sufficient virulence and dosage, through a portal of entry in a susceptible host as defined in TMC 5.04.020.S.

“Landfill.” A disposal facility, or part of a facility, at which solid waste is permanently placed in or on land.

“Liquid waste.” Any material which would produce measurable liquids when the Paint Filter Liquids Test Method 9095 of EPA Publication Number SW-846 is used.

“Mandatory service.” Compulsory and universal City collection, management, and disposal of solid waste within the City at the applicable rates established herein.

“Minimum service.” The minimum level of service established by Solid Waste Management for residential and commercial customers.

“Month” or “Monthly.” The 28- to 32-day period corresponding to the meter-reading cycle for that account. For a bimonthly meter-reading cycle, “monthly” shall correspond to one-half of that cycle.

“Multi-business building or complex.” Buildings or premises that contain three or more commercial customers served by one water meter.

“Multi-family dwelling.” Any building or portion thereof that contains three or more dwelling units.

“Nonautomated container.” A container no larger than 32 gallons that must be manually lifted into a solid waste collection vehicle.

“Nonprofit material salvage/recycling corporation.” A corporation approved by the Director as eligible for special landfill disposal rate status.

“Nuisance.” An unreasonable or unlawful act, or omission from performing a duty, which act or omission either injures or endangers the comfort, health, or safety of others, obstructs or tends to obstruct any lake or navigable river, bay, stream, canal, basin, public park, square, street, highway, or in any way renders other persons insecure in life or in the use of property and produces such material annoyance, inconvenience, or discomfort that the law will presume resulting damage.

“Operator.” The person responsible for the overall operation of a public disposal area.

“Opportunity fuels.” A waste commodity that may be utilized as fuel in a waste-to-energy facility, requires little or no processing, provides an acceptable BTU value, creates little or no residual waste, and/or provides enhancement to other fuels.

“Overloaded.” A container that exceeds its rated capacity or the height of the container opening.

“Person.” An individual, firm, lessor, association, co-partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

“Public disposal area.” The landfill and/or public tipping area.

“Premises.” A continuous tract of land, building, portion thereof, or group of adjacent buildings under a single control and responsibility. Multiple use or responsibility shall constitute a division of property into separate premises. Premises shall include, but are not limited to, dwelling unit, dwelling, multi-family dwelling, apartment house, mobile home park, club, restaurant, eating place, hotel, hospital, school, church, manufacturing establishment, and other places of business, either public or private.

“Recyclable material.” Means those solid wastes that are source separated from the waste stream for the purpose of recycling or reuse.

“Recycling.” Transforming or remanufacturing waste materials into usable or marketable material for use other than landfill disposal.

“Recycling container.” A stationary or portable container under City or customer ownership utilized for the collection of recyclable material and serviced mechanically or manually.

“Recycling drop-off box.” A drop-off box utilized for the collection of recyclable material only.

“Reload.” Additional material placed in a container after initial pickup.

“Residential customer.” An individual who physically occupies the subject dwelling unit and is directly responsible for payment of all public utilities serving the residential unit to which solid waste service is provided.

“Scavenging.” The unauthorized removal of materials from a public disposal area, solid waste collection container, recycling drop-off box, or any container used for the collection of recyclable material.

“Sludge.” A semi-solid substance consisting of settled sewage solids and/or other solids combined with varying amounts of water and dissolved materials generated from a wastewater treatment plant or other source.

“Small quantity generator (SQG) waste.” A waste defined in WAC 173-303 that exhibits the characteristics of a dangerous or extremely hazardous waste as defined by WAC 173-303, but is generated by a commercial entity in quantities of less than 220 pounds for dangerous waste, or 2.2 pounds for extremely hazardous waste.

“Solid waste.” All putrescible and nonputrescible solid or semi-solid waste, including, but not limited to, garbage, refuse, rubbish, ash, industrial waste, swill, demolition and construction waste, abandoned or junk vehicles or parts thereof, and discarded commodities, bulk waste, recyclable material, and unwanted vegetation or debris on publicly owned land or improved rights-of-way.

“Solid Waste Management.” The Solid Waste Management Division of the Environmental Services Department of the City of Tacoma.

“Special permit.” A permit issued by Solid Waste Management under TMC 12.09.070.

“Source separated.” The separation of different kinds of materials from the solid waste at the place where the waste originates.

“Swill.” All accumulation of animal, fruit, or vegetable matter, liquid or otherwise, intended to be used as feed for livestock, including, but not limited to, garbage waste from food service establishments or waste from wholesale/retail food processing facilities.

“TMC” means Tacoma Municipal Code.

“Treated wastes.” The collection, removal, or disposal of infectious waste or infectious waste which has been rendered noninfectious.

“Vector.” A living animal, insect, or arthropod that may transmit an infectious disease from one organism to another.

“WAC” means Washington Administrative Code.

“Yard waste.” Vegetation material generated as a result of normal maintenance of residential yards. These wastes include above-ground cuttings such as grass clippings, pruning cut limbs (up to 4 feet in length and 8 inches in diameter), and clean beauty bark. Not included in yard waste are sod, dirt, rocks, fruits and vegetables, food wastes, and animal wastes.

“Yard waste container.” A container provided by Solid Waste Management. Plastic and biodegradable bags are not acceptable yard waste containers. For additional information, see Section 12.09.060.

(Ord. 28129 Ex. A; passed Feb. 12, 2012: Ord. 28093 Ex. F; passed Oct. 16, 2012: Ord. 28059 Ex. A; passed Mar. 27, 2012: Ord. 27555 § 1; passed Dec. 5, 2006: Ord. 27537 § 2; passed Oct. 24, 2006: Ord. 27286 § 1; passed Nov. 2, 2004: Ord. 27138 § 2; passed Sep. 9, 2003: Ord. 26887 § 1; passed Dec. 4, 2001: Ord. 26728 § 2; passed Nov. 7, 2000: Ord. 26339 § 1; passed Dec. 8, 1998: Ord. 26176 § 1; passed Dec. 16, 1997: Ord. 26072 § 2; passed May 27, 1997: Ord. 25583 § 1; passed Oct. 11, 1994: Ord. 25221 § 2; passed Dec. 8, 1992)

12.09.040 General requirements.

A. It shall be the customer’s responsibility to ensure that solid waste containers are placed in the appropriate location designated by Solid Waste Management prior to the arrival of the collection vehicle. Collectors shall not be required to negotiate steep ramps, stairs, or hazards, or to remove containers from wells or storage bins in the performance of their duties.

B. Solid Waste Management shall not be responsible for solid waste collection if there is a violation of any part of this section or circumstances are beyond the control of the Solid Waste Management. Circumstances or violations include, but are not limited to, container overload, improperly loaded container, blocked access, container inaccessibility, or dangerous situations.

C. Automated collection containers shall be placed in a Solid Waste Management-designated location on the scheduled collection day. Such location shall be easily accessible to the solid waste collection vehicle. All containers must face in the proper direction with the lids completely closed, and unobstructed to the collection vehicle. In areas where the Solid Waste Management-designated location for an automated collection container is at street-side or along an alley, it shall be the responsibility of each customer to remove the container from streetside or alley on the same day as collection.

D. Any waste exceeding the rated capacity of the container shall be subject to an extra charge at applicable rates established herein. Overloading containers in a manner which is likely to: (i) cause damage to the collection vehicle or container; (ii) create a litter condition; or (iii) impede collection is prohibited.

E. Solid Waste Management may collect extra solid waste on or around automated containers. If additional solid waste is generated on the premises that cannot be accommodated by regularly scheduled service in the automated containers provided, the customer shall request and use additional automated containers or be subject to additional charges as set forth in this chapter. “Extra refuse” is any material placed for collection in addition to the regular collection service, which is within

acceptable weight limits, is able to be reasonably handled by one person, and is placed within a five-foot radius of the container.

F. Automated collection within the City is mandatory in those areas designated by Solid Waste Management.

G. Any manure, offal, or other noxious material that, in the discretion of Solid Waste Management, has not been securely wrapped shall not be collected.

H. It shall be a violation hereof to place or deposit any solid waste whatsoever in or around a solid waste container owned or provided for the use of another customer without that customer's approval.

I. Solid Waste Management shall reserve the right to inspect any or all solid waste prior to and/or during disposal for compliance with local, state, or federal laws or regulations.

J. No person shall construct or allow the construction of a public or private well, as defined in WAC 173-160, between Center Street, Tyler Street, and South 56th Street and Leach Creek, except as allowed by WAC 173-160 and RCW 18.104.

K. Solid waste placed or deposited in the manner other than described in Section C or E above shall be considered improper disposal of solid waste. In such instances of improper disposal of solid waste, Solid Waste Management shall notify the property owner and/or current utility customer and request them to correct the condition within 48 hours by legally disposing of such waste. If the condition is not corrected after 48 hours, Solid Waste Management shall dispose of the solid waste and charge the property owner and/or current utility customer at the rate of \$100.00 per hour for such disposal, with a minimum fee of \$100.00.

L. It shall be the property owner's responsibility to assure that rights-of-way are unobstructed by overgrown vegetation that hinders the operation of the collection vehicle. Solid Waste Management shall notify the property owner, in writing, to remove the obstruction within 14 days. If notification or arrangements have not been made, Solid Waste Management shall remove any obstruction and charge the property owner for the actual cost of the removal. This cost will be billed to the property owner.

M. Solid Waste Management, or the City's contractor, may enter property to collect, remove, and dispose of solid waste and assess costs for such collection, removal, and disposal in accordance with the nuisance abatement process set forth in TMC 8.30.110.B. Any unpaid collection, removal, and disposal costs incurred by Solid Waste Management, under this subsection, may be collected in any lawful manner authorized for the collection of utility bills.

(Ord. 28262 Ex. A; passed Dec. 9, 2014; Ord. 28129 Ex. A; passed Feb. 12, 2012; Ord. 27555 § 2; passed Dec. 5, 2006; Ord. 27537 § 3; passed Oct. 24, 2006; Ord. 27286 § 2; passed Nov. 2, 2004; Ord. 26887 § 2; passed Dec. 4, 2001; Ord. 26728 § 3; passed Nov. 7, 2000; Ord. 26339 § 2; passed Dec. 8, 1998; Ord. 26176 § 2; passed Dec. 16, 1997; Ord. 26072 § 3; passed May 27, 1997; Ord. 25583 § 2; passed Oct. 11, 1994; Ord. 25221 § 2; passed Dec. 8, 1992)

12.09.050 Transportation.

A. It shall be a misdemeanor for any person other than Solid Waste Management to transport solid waste generated within the City to destinations outside the City without the written approval of the Director. Solid waste transported within the City shall be tarped and secured as necessary to prevent a nuisance and/or littering. Transportation of solid waste shall comply with all ordinances of the City and all laws of the state of Washington, including but not limited to those set forth in Chapter 70.93 RCW, the Waste Reduction, Recycling, and Model Litter Control Act. The operator of a vehicle transporting solid waste to the public disposal area shall secure or cover the vehicle's waste in a manner that will prevent solid waste from spilling out of the vehicle. Vehicles may be exempt from this requirement if it is unlikely that waste will spill from the vehicle during transportation. In the absence of an exemption, a fee, in addition to other landfill charges, may be assessed for vehicles arriving at the public disposal area without an adequate cover on the vehicle's waste or without the waste secured. The fee collected under this provision shall be \$5.00 per occurrence and will be considered a part of the disposal fee.

B. A vehicle transporting sand, dirt, and gravel in compliance with the provisions of RCW 46.61.655 shall not be required to secure or cover a load pursuant to this section.

(Ord. 28129 Ex. A; passed Feb. 12, 2012; Ord. 27537 § 4; passed Oct. 24, 2006; Ord. 26887 § 3; passed Dec. 4, 2001; Ord. 26728 § 4; passed Nov. 7, 2000; Ord. 25583 § 3; passed Oct. 11, 1994; Ord. 26072 § 4; passed May 27, 1997; Ord. 25583 § 3; passed Oct. 11, 1994; Ord. 25221 § 2; passed Dec. 8, 1992)

12.09.060 Requirements for containers.

A. Residential customers that receive solid waste collection services may request up to two 90-gallon yard waste containers from Solid Waste Management at no charge. Residential customers may request additional 90-gallon yard waste containers at an additional monthly rate as set forth in the Residential Barrels Rate Tables.

B. The 30-, 45-, 60-, 90-, and 300-gallon automated and semi-automated collection containers are the property of the City of Tacoma and provided exclusively by Solid Waste Management. These containers shall be used only for the collection and disposal of solid wastes by Solid Waste Management. The 30-, 45-, 60-, and 90-gallon automated and semi-automated collection containers, including contents, shall not exceed its rated capacity at the time of collection.

C. Bulk solid waste collection containers, i.e., front-load container, drop-off box, and compactor, may be used only upon prior approval of Solid Waste Management. Solid Waste Management reserves the right to refuse solid waste collection service if, in the opinion of Solid Waste Management, the access to or the dumping of these containers presents a hazard.

D. Customers may request one container or service change, per premise, per year. Additional requests for changes will be billed in addition to the monthly rate, as set forth in Section 12.09.110.

(Ord. 28262 Ex. A; passed Dec. 9, 2014: Ord. 28129 Ex. A; passed Feb. 12, 2012: Ord. 28000 Ex. A; passed Jun. 28, 2011: Ord. 27555 § 3; passed Dec. 5, 2006: Ord. 27537 § 5; passed Oct. 24, 2006: Ord. 27286 § 3; passed Nov. 2, 2004: Ord. 26887 § 4; passed Dec. 4, 2001: Ord. 26831 § 1; passed Jul. 17, 2001: Ord. 26728 § 5; passed Nov. 7, 2000: Ord. 26527 § 1; passed Nov. 16, 1999: Ord. 26339 § 3; passed Dec. 8, 1998: Ord. 26176 § 3; passed Dec. 16, 1997: Ord. 26072 § 5; passed May 27, 1997: Ord. 25221 § 2; passed Dec. 8, 1992)

12.09.070 Special permits.

A. A special permit from the Environmental Services Department shall be required for the collection, removal, processing, and disposal of solid and infectious waste, including recyclable materials from within the City limits, by anyone other than City personnel or by anything other than City equipment. Such collection, removal, processing, or disposal without a special permit is a violation of this chapter. The Director is authorized to approve or disapprove applications for special permits. The Director may prepare and require the use of such forms as deemed essential for administering the requirements of this section. Permittees shall comply with applicable state laws and City ordinances, and obtain all applicable City permits including, but not limited to, barricade permits.

B. A person denied a special permit or aggrieved by the issuance or revocation of a special permit may appeal the decision to the City's Hearing Examiner in accordance with TMC 12.09.250.

C. A special permit may be revoked by the Director, without prior notice, if the permittee fails to comply with this chapter or the terms and conditions of the special permit, including, but not limited to, annual reporting and inspection requirements. A special permit may be issued for a maximum duration of one year, and is renewable at the Director's discretion, subject to permittee complying with the terms of their special permit and this chapter. The Director may issue special permits for the following reasons:

1. For collecting and transporting source-separated recyclable materials from a recycling drop-off box, or from a commercial or industrial generator of recyclable materials to a processor of recyclable materials or end user of recyclable materials, or for the receipt and processing of recyclable materials. Recyclable materials loads shall not contain more than 10 percent non-recyclable materials by volume. Loads that exceed more than 10 percent of non-recyclable materials by volume shall be delivered to the City of Tacoma Landfill for management and disposal, unless Solid Waste Management authorizes disposal outside of Tacoma. The Director shall have the sole authority and discretion to determine when this requirement is met. However, exceptions to this requirement may be made if the applicant can demonstrate that the proposed activity is in the best interests of the City for meeting the recycling goals set forth in the Tacoma-Pierce County Solid Waste Management Plan. The granting of a permit for this activity shall in no way be construed to mean that the permit allows the permittee to haul solid wastes within the City in violation of TMC 12.09.020.

Any special permit issued for the collection and hauling of recyclable materials shall require the holder to submit an annual report to the Solid Waste Management Division Manager. This report may be a copy of the Annual Recycling Survey submitted to Pierce County Solid Waste or the Department of Ecology required by RCW 70.95. Failure to provide this report annually shall result in automatic cancellation of the permit.

2. For the separation, use or sale of swill; provided said material is transported outside the City limits.

3. To provide temporary drop-off box container service to specific Solid Waste Management customers in the event Solid Waste Management temporarily cannot provide the service.

4. For the collection, removal, and disposal of infectious waste as more specifically described in TMC 5.04. The permit shall not be effective and shall be deemed revoked if the permittee does not obtain permits required under TMC 5.04, and/or permits or approvals required by any other applicable federal, state, or local law or regulation. The collection, removal, or disposal of infectious waste or infectious waste which has been rendered noninfectious (hereinafter called "treated waste") in violation of any applicable law or regulation of the federal, state, county, or City government, or any other governmental entity having jurisdiction, shall be grounds for immediate revocation of any permit issued hereunder, even if such violation occurs outside the corporate limits of the City's condition of the special permit.

Any permittee, as a condition of the special permit, will be required to provide all information requested by the City pertaining to the manner in which all aspects of the collection, removal, and disposal of infectious waste or treated waste are being carried out by the permittee.

5. For the collection, removal, and disposal of any solid waste that is unacceptable for disposal in the City's public disposal area.
6. For the collection, removal, and disposal of any solid waste when the City determines that it is in the City's best interest for a non-City entity or person to collect, remove, or dispose of such waste. A permit of this nature may be issued to authorize one-time services such as hauling solid waste and shall require the permittee to report the origin of the material, the method of transportation, and the disposal location prior to disposal of the solid waste.
7. For a person or organization to haul solid waste generated as a result of activity at its premises under circumstances that render mandatory service infeasible or impracticable; provided, that the following conditions are met:
 - a. The person or organization is not in the solid waste hauling business, and owns or leases the vehicle hauling the solid waste;
 - b. The operator of the vehicle is an employee of the organization generating the waste. Contracting out, and/or hiring others for disposal services is a violation of TMC 12.09.020 and shall not be allowed; and
 - c. The waste, if acceptable, shall be disposed of at the City's public disposal area.
8. Exemptions may be granted for small quantity generators at the discretion of the Director.
9. Failure to comply with the terms of a special permit issued under this section shall be considered a violation of this chapter, and subject permittee to civil penalties under TMC 12.09.240, and revocation of their special permit.

(Ord. 28262 Ex. A; passed Dec. 9, 2014: Ord. 28129 Ex. A; passed Feb. 12, 2012: Ord. 28093 Ex. F; passed Oct. 16, 2012: Ord. 27537 § 6; passed Oct. 24, 2006: Ord. 27286 § 4; passed Nov. 2, 2004: Ord. 27004 § 1; passed Nov. 19, 2002: Ord. 26887 § 5; passed Dec. 4, 2001: Ord. 26339 § 4 Ord. 26728 § 6; passed Nov. 7, 2000:; passed Dec. 8, 1998: Ord. 26176 § 4; passed Dec. 16, 1997: Ord. 26072 § 6; passed May 27, 1997: Ord. 25221 § 2; passed Dec. 8, 1992)

12.09.080 Assistance to elderly and/or disabled individuals.

Elderly and/or disabled residents who cannot place their containers and have no other alternative for complying with the requirements of this chapter may notify Solid Waste Management for assistance in providing special collection service to such individuals.

(Ord. 26728 § 7; passed Nov. 7, 2000: Ord. 26072 § 7; passed May 27, 1997: Ord. 25221 § 2; passed Dec. 8, 1992)

12.09.090 Rate reduction for low-income senior and low-income disabled individuals.

Residential customers who qualify as low income senior or low income disabled under TMC 12.06.165 B shall be eligible for a 30 percent reduction from their regular solid waste charges. The determination of low income senior and low income disabled status shall be made as set forth in TMC 12.06.165 B. Individuals must submit an application documenting such determination for review and acceptance by the Director to qualify for this reduction. . The effective date for the rate reduction shall be the first day of the billing period in which the Director's acceptance is granted.

(Ord. 27969 Ex. A; passed Feb. 1, 2011: Ord. 27555 § 4; passed Dec. 5, 2006: Ord. 27537 § 7; passed Oct. 24, 2006: Ord. 27286 § 5; passed Nov. 2, 2004: Ord. 27004 § 2; passed Nov. 19, 2002: Ord. 26728 § 8; passed Nov. 7, 2000: Ord. 26072 § 8; passed May 27, 1997: Ord. 25221 § 2; passed Dec. 8, 1992)

12.09.092 Authority to allow residential or commercial service.

Where a single person or entity owns or controls a combination of multi-family dwelling units and dwelling units that are duplexes or single-family residences, all of which are located on contiguous properties and for which the person or entity pays for solid waste services, the person or entity may request the Director to have all dwelling units located on the contiguous properties treated as commercial or residential for the purposes of this chapter. A person or entity requesting the Director to designate properties as commercial or residential under this section must make a written request for an evaluation of their existing solid waste services to determine if they are eligible for reclassification to the commercial rate schedule or the residential rate schedule. This request shall be submitted to the Director and must include current account information (account number(s), requested service levels for garbage, recycling, and yard waste, and the proposed pick-up location for the service(s)).

- A. The Director may designate the requested properties as either commercial or residential provided:
 1. Only one account will be used for the service, and one person or entity will be responsible for the account and payment ("responsible customer").

2. The dwelling units are located on contiguous properties owned by or under the control of the responsible customer.
3. The Director determines that designating all requested properties as either residential or commercial will result in more efficient or safer collection or align the services with the environmental goals of the City.

B. If the Director approves of the request to provide residential services to all contiguous properties, the Director will determine how residential solid waste services will be delivered. The Director may designate any combination of shared or individual containers for garbage, recycling, and yard waste collection.

1. If a shared service (300 gallon barrel or Front Load Box) is provided for garbage, the responsible customer will be billed for individual container costs specified in TMC 12.09.110.A.1 commensurate with the size of the Container (300 gallon barrel or Front Load Box) and number of units.

2. If individual garbage containers are provided, the responsible customer will be billed using the applicable Residential Barrel rates specified in TMC 12.09.110.A.1.

3. All service charges and requirements of this chapter pertaining to residential services shall apply.

4. The residents in each unit approved for residential services will be designated as City of Tacoma residential Solid Waste Customers and be eligible for residential services as described in Sections 12.09.110, 12.09.130, and 12.09.140.

C. The decision to approve or deny a request under this section and the determination of how to deliver solid waste services is solely within the Director's discretion, and the Director's decision is final.

(Ord. 28262 Ex. A; passed Dec. 9, 2014)

12.09.095 Disposal rate reduction for qualifying nonprofit materials salvage/recycling corporation(s).

A. A disposal rate reduction of 50 percent may be granted to qualified firms, upon application to and approval by the Director.

B. In order to qualify, an organization must comply with all of the following conditions:

1. Proof that the IRS recognizes the organization as one which is nonprofit and charitable;
2. Current articles of incorporation filed with the Washington Secretary of State showing that the primary charitable purpose of the organization is to provide aid to the poor and infirm;
3. A description of the organization's business operations showing that the organization's primary form of doing business is processing donated and abandoned goods for resale or reuse;
4. A description of recycling efforts undertaken to reduce the amount of unsalvageable material destined for disposal; and
5. A verification that all waste for which rate relief is sought is generated solely within the City and is from the organization's processing of abandoned or donated goods for resale or reuse. This verification may be requested by Solid Waste Management on a yearly basis. If verification is not provided within 30 days of a written request, the rate reduction will be revoked until such time as a valid verification is received.

C. The Director may require additional documentation if the Director has concerns as to the organization's tax status, primary charitable purpose, or primary form of doing business.

(Ord. 27537 § 8; passed Oct. 24, 2006: Ord. 27286 § 6; passed Nov. 2, 2004: Ord. 26339 § 5; passed Dec. 8, 1998: Ord. 26176 § 5; passed Dec. 16, 1997: Ord. 26072 § 9; passed May 27, 1997: Ord. 25221 § 2; passed Dec. 8, 1992)

12.09.100 Collection.

Except as set forth in TMC 12.09.105, Solid Waste Management shall provide for the collection and disposal of all solid waste from all occupied residential premises within the City once every two weeks, and from all other occupied premises as often as required by Solid Waste Management. Solid Waste Management reserves the right to establish the appropriate level of service.

(Ord. 28262 Ex. A; passed Dec. 9, 2014: Ord. 28129 Ex. A; passed Feb. 12, 2012: Ord. 28000 Ex. A; passed Jun. 28, 2011: Ord. 26728 § 9; passed Nov. 7, 2000: Ord. 26072 § 10; passed May 27, 1997: Ord. 25221 § 2; passed Dec. 8, 1992)

12.09.105 Pilot Projects.

The Director may alter the frequency of residential solid waste collection required under TMC 12.09.100 from time to time, in certain areas of the City, as part of a pilot project to evaluate more efficient and sustainable solid waste collection services.

(Ord. 28129 Ex. A; passed Feb. 12, 2012: Ord. 28000 Ex. A; passed Jun. 28, 2011)

12.09.110 Residential automated and semi-automated services.

A. Minimum Monthly Service.

	Effective Years	
	2015	2016
Once every other week pick-up 30-gallon (supplied by City)	\$19.30	\$20.38

1. Collection personnel shall not be required to negotiate steep ramps or stairs or remove 30-, 45-, 60-, and 90-gallon containers from storage bins in the performance of their duties. Where 30-, 45-, 60-, and 90-gallon residential containers are accessible on ground level in the location designated by Solid Waste Management on the street or alley, within five feet of the curb, street, or alley where a Solid Waste Management collection vehicle can stop legally for collection and loading, the rate shall be:

2015 RATES EVERY OTHER WEEK PICKUP RESIDENTIAL BARRELS				
Residential Category	Monthly Rate	Additional Charge for Overload	Each Reload	Each additional yard waste container (after initial two)
Regular Service				
30 gallon	\$19.30	\$10.00	\$15.00	\$3.00
45 gallon	\$28.95	\$10.00	\$15.00	\$3.00
60 gallon	\$38.59	\$10.00	\$15.00	\$3.00
90 gallon	\$57.90	\$10.00	\$15.00	\$3.00
60 x 2 gallon	\$77.18	\$10.00	\$15.00	\$3.00
60 + 90 gallon	\$96.49	\$10.00	\$15.00	\$3.00
90 x 2 gallon	\$115.80	\$10.00	\$15.00	\$3.00

2016 RATES EVERY OTHER WEEK PICKUP RESIDENTIAL BARRELS				
Residential Category	Monthly Rate	Additional Charge for Overload	Each Reload	Each additional yard waste container (after initial two)
Regular Service				
30 gallon	\$20.38	\$10.00	\$15.00	\$3.00
45 gallon	\$30.57	\$10.00	\$15.00	\$3.00
60 gallon	\$40.75	\$10.00	\$15.00	\$3.00
90 gallon	\$61.14	\$10.00	\$15.00	\$3.00
60 x 2 gallon	\$81.50	\$10.00	\$15.00	\$3.00
60 + 90 gallon	\$101.89	\$10.00	\$15.00	\$3.00
90 x 2 gallon	\$122.28	\$10.00	\$15.00	\$3.00

2. Where residential containers and extra containers are accessible on ground level, but farther than five feet from the curb, street, or alley where a Solid Waste Management collection vehicle can stop legally for collection and loading, the following additional rates for carrying distance, measured along the route taken for collection, shall apply to each container:

	Garbage	Recycle & Yard Waste
Over 5 feet to 25 feet	\$4.45 per month	\$4.45 per month
Each additional 25 feet or portion thereof	\$5.55 per month	\$5.55 per month

Carry distances shall be measured along the route necessarily taken for collection.

The above rates apply to each and every can or container collected and loaded from a specific premises

3. An additional charge of \$5.55 per garbage, recycle, and yard waste container per month shall be added when containers are not reasonably accessible, regardless of carrying distance.

4. Residential 300-gallon containers shall initially be placed in position by Solid Waste Management to facilitate the collection operation. Once so placed into service, the containers shall not be removed or relocated by the customer. Each customer sharing a 300-gallon container shall pay a rate commensurate with the services received as determined by Solid Waste Management.

5. There will be no charge for initial delivery or change of containers supplied by Solid Waste Management for new customers. In addition, there will be no charge for delivery or change of containers for existing customers once per premise, per year. Additional deliveries of containers in any calendar year to a premise will be billed at \$30.00 per delivery. The Director may waive such delivery charge to help facilitate the transition to every other week garbage collection.

B. If a residential automated collection container is not in place by 7:00 a.m. or is otherwise inaccessible the day of the regularly scheduled pickup and the customer requests that the collection vehicle return to the premises to collect the contents of the container, a return trip charge of \$10.00 may be assessed to the customer. Such charge shall be applied on a per-trip basis without consideration of the size or number of containers collected from the customer. For each additional nonscheduled pickup requested by the customer, a return fee of \$10.00 plus additional container fee may be assessed.

C. Any residential customer in possession of any City-owned container shall pay the cost of repair or replacement of any damaged container, if it is the determination of Solid Waste Management that such damage is the result of the negligence or abuse by the customer. The charge shall be the actual cost of repair or replacement as determined by the City and shall be added to the customer's utility bill.

D. No dwelling unit of a multi-family dwelling (triplex or larger) may receive individual residential solid waste service unless the subject unit is directly billed by the City for payment of all other public utilities servicing that unit, including electricity, water, surface water, and wastewater.

E. Upon approval by Solid Waste Management, residential collection service may be stopped during temporary vacancy of the premises no more than twice per calendar year. Service shall not be discontinued for a period of less than two weeks. A charge of \$15.00 shall be added to the utility bill for each approved temporary stop-service order. Service shall resume no later than the date specified by the customer in the stop order. An alternative mailing address must be provided if requested by Solid Waste Management.

F. Use of an enclosure built for a container is subject to prior approval by Solid Waste Management and may be revoked upon inspection if not built as per originally approved.

G. Recycling or yard waste containers contaminated with garbage may be dumped as solid waste. When they are, the customer will be charged the "Each Additional Reload" fee identified in the rate table for that class and frequency of service. Recycling containers that are repeatedly contaminated with garbage may be removed at the discretion of Solid Waste Management. A \$30.00 service charge will be assessed for redelivery of each container.

H. Overload charges may be charged when the condition of the container meets the definition of "Overloaded" in TMC 12.09.030. Extra bags of garbage will be charged the "Applicable Charge for Overload." If the overload condition, or number of extra bags requires the driver to reload and re-dump the container, the customer will be charged the "Each Reload" fee identified in the rate table for that class and frequency of service.

I. City of Tacoma solid waste ratepayers living in a single-family home or duplex may request two "Call-2 Haul" service appointments per year. No more than three large items, consisting of appliances, furniture, or items of a similar size and weight, and 15 bags or boxes of unusable household items will be picked up by Solid Waste Management at each Call-2 Haul service appointment. No additional charge to the ratepayer will be made for this service. A charge of \$10.00 will be assessed for late cancellations or if items are not set out by 7:00 a.m. on the scheduled date.

(Ord. 28262 Ex. A; passed Dec. 9, 2014; Ord. 28129 Ex. A; passed Feb. 12, 2012; Ord. 27969 Ex. A; passed Feb. 1, 2011; Ord. 27766 Ex. A; passed Dec. 9, 2008; Ord. 27662 Ex. A; passed Dec. 4, 2007; Ord. 27555 § 5; passed Dec. 5, 2006; Ord. 27537 § 9; passed Oct. 24, 2006; Ord. 27286 § 7; passed Nov. 2, 2004; Ord. 27138 § 3; passed Sep. 9, 2003; Ord. 27004 § 3; passed Nov. 19, 2002; Ord. 26887 § 6; passed Dec. 4, 2001; Ord. 26831 § 2; passed Jul. 17, 2001; Ord. 26728 § 10; passed Nov. 7, 2000; Ord. 26527 § 2; passed Nov. 16, 1999; Ord. 26339 § 6; passed Dec. 8, 1998; Ord. 26176 § 6; passed Dec. 16, 1997; Ord. 26072 § 11; passed May 27, 1997; Ord. 25842 § 1; passed Feb. 6, 1996; Ord. 25583 § 4; passed Oct. 11, 1994; Ord. 25404 § 1; passed Nov. 30, 1993; Ord. 25221 § 2; passed Dec. 8, 1992)

12.09.120 Commercial services.

Solid Waste Management reserves the right to establish the appropriate level of service. No single unit of a multibusiness complex or building may receive individual container service of less than one cubic yard in capacity unless the subject unit is

directly billed by the City for payment of all other public utilities servicing that unit, including electricity, water, surface water, and wastewater. Minimum monthly service for City-owned containers shall be one pickup per week, per month, per container, with the exception of drop-off boxes and compactors. Commercial rates for collection of solid waste shall be as follows:

A. Commercial Barrels.

	Effective Years	
	2015	2016
Minimum Monthly Service (20-Gallon):	\$27.17	\$27.49

2015 RATES COMMERCIAL BARRELS				
Commercial Category	Monthly Container Rent *	Monthly Rate (times pickups per week)	Each Additional Pickup	Overload Charge
Regular Service				
20 gallon	na	\$27.17	\$15.00	\$10.00
30 gallon	na	\$36.21	\$15.00	\$10.00
60 gallon	na	\$52.28	\$15.00	\$10.00
90 gallon	na	\$70.13	\$15.00	\$10.00
300 gallon	\$3.55	\$166.05	\$38.35	\$25.00
Temporary Service				
Commercial Category	Daily Container Rent*	Each Haul Container	Placement Fee	Overload Charge
20 gallon	na	\$10.00	na	\$5.00
30 gallon	na	\$10.00	na	\$5.00
60 gallon	na	\$10.00	na	\$5.00
90 gallon	na	\$10.00	na	\$5.00
300 gallon	\$1.10	\$38.35	\$15.00	\$25.00

*Excluding Washington State Sales Tax

2016 RATES COMMERCIAL BARRELS				
Commercial Category	Monthly Container Rent *	Monthly Rate (times pickups per week)	Each Additional Pickup	Overload Charge
Regular Service				
20 gallon	na	\$27.49	\$15.00	\$10.00
30 gallon	na	\$36.47	\$15.00	\$10.00
60 gallon	na	\$54.45	\$15.00	\$10.00
90 gallon	na	\$73.90	\$15.00	\$10.00
300 gallon	\$3.55	\$166.05	\$38.35	\$25.00
Temporary Service				
Commercial Category	Daily Container Rent*	Each Haul Container	Placement Fee	Overload Charge
20 gallon	na	\$10.00	na	\$5.00
30 gallon	na	\$10.00	na	\$5.00
60 gallon	na	\$10.00	na	\$5.00
90 gallon	na	\$10.00	na	\$5.00
300 gallon	\$1.10	\$38.35	\$15.00	\$25.00

*Excluding Washington State Sales Tax

B. If a commercial 20-, 30-, 60-, 90-, or 300-gallon container is not in place or is otherwise inaccessible at the time the collection vehicle arrives for regularly scheduled pickup and it is necessary for the collection vehicle to return to the premises at a later time to collect and load the contents of the container, a return trip charge of \$10.00 may be assessed to the customer. Regularly scheduled pickups will begin at 6:00 a.m. Such charge shall be applied on a per-trip basis, without consideration for the size or number of containers collected from the customer. For each additional nonscheduled pickup requested by the customer, a return fee of \$10.00 plus additional container fee may be assessed.

C. Commercial container rates for noncompacted solid waste shall consist of a minimum monthly charge, which includes all scheduled weekly pickups within any given month. Additional pickups shall be at the request of the customer and shall be subject to the applicable service charge.

D. Collection personnel shall not be required to negotiate steep ramps or stairs or remove 20-, 30-, 60-, and 90-gallon containers from storage bins in the performance of their duties. Where 20-, 30-, 60-, and 90-gallon containers are accessible on ground level not in the location designated by Solid Waste Management, the following additional rates shall apply to each container:

Over 5 feet to 25 feet	\$8.90 per month
Each additional 25 feet or portion thereof	\$11.10 per month

E. Commercial Bulk Noncompacted Container Rates.

1. City-owned, drop-off box – minimum charge of \$200.00 per month in addition to rent, if not hauled, provided, this charge will not be assessed to boxes used for the purposes of recycling.
2. City-owned, front-load container used on a temporary basis will be charged \$50.00 per month in addition to rent, if not hauled.
3. City-owned 20-, 30-, 60-, 90-, or 300-gallon container used on a temporary basis will be charged the 20-gallon commercial barrel monthly rate if not hauled.
4. Customer-owned container – minimum charge, if not hauled, will be the 20-gallon commercial barrel monthly rate.
5. An additional \$200.00 charge per haul for drop-off box for same day service.
6. An additional rental charge of \$6.00 per month will be made for any container requiring a cover or extra-strength construction.

- 7. An additional \$25.00 charge per haul for front-load container for same day service.
- 8. An additional \$50.00 charge for each container relocation without a haul (dump).
- 9. An additional \$50.00 return charge will be billed to customers who have a scheduled haul for their compactor or DOB and the container was not made accessible for hauling when Solid Waste staff arrived.
- 10. An additional \$25.00 return charge will be billed to customers who have a scheduled haul for their front-load container and the container was not made accessible for hauling when Solid Waste staff arrived.
- 11. An additional \$10.00 may be charged for containers or compactors that require double-picking.

2015 RATES FRONT LOAD CONTAINERS				
Commercial Category	Monthly Container Rent*	Monthly Rate (times pickups per week)	Each Additional Pickup	Overload Charge
Regular Service				
1 Cubic yard	\$4.85	\$165.79	\$38.26	\$25.00
2 Cubic yard	\$7.80	\$218.90	\$50.52	\$25.00
3 Cubic yard	\$8.90	\$281.55	\$64.97	\$30.00
4 Cubic yard	\$10.60	\$344.25	\$79.44	\$35.00
6 Cubic yard	\$13.85	\$469.60	\$108.37	\$40.00
8 Cubic yard	\$15.30	\$594.95	\$137.30	\$45.00
Temporary Service				
Commercial Category	Daily Container Rent*	Each Haul Container	Placement Fee	Overload Charge
1 Cubic yard	\$1.10	\$38.26	\$15.00	\$25.00
2 Cubic yard	\$1.10	\$50.52	\$15.00	\$25.00
3 Cubic yard	\$1.10	\$64.97	\$15.00	\$30.00
4 Cubic yard	\$1.10	\$79.44	\$15.00	\$35.00
6 Cubic yard	\$1.10	\$108.37	\$15.00	\$40.00
8 Cubic yard	\$1.10	\$137.30	\$15.00	\$45.00

*Excluding Washington State Sales Tax

2016 RATES FRONT LOAD CONTAINERS				
Commercial Category	Monthly Container Rent*	Monthly Rate (times pickups per week)	Each Additional Pickup	Overload Charge
Regular Service				
1 Cubic yard	\$4.85	\$167.65	\$38.69	\$25.00
2 Cubic yard	\$7.80	\$218.90	\$50.52	\$25.00
3 Cubic yard	\$8.90	\$281.55	\$64.97	\$30.00
4 Cubic yard	\$10.60	\$344.25	\$79.44	\$35.00
6 Cubic yard	\$13.85	\$469.60	\$108.37	\$40.00
8 Cubic yard	\$15.30	\$594.95	\$137.30	\$45.00
Temporary Service				
Commercial Category	Daily Container Rent*	Each Haul Container	Placement Fee	Overload Charge
1 Cubic yard	\$1.10	\$38.69	\$15.00	\$25.00
2 Cubic yard	\$1.10	\$50.52	\$15.00	\$25.00
3 Cubic yard	\$1.10	\$64.97	\$15.00	\$30.00
4 Cubic yard	\$1.10	\$79.44	\$15.00	\$35.00
6 Cubic yard	\$1.10	\$108.37	\$15.00	\$40.00
8 Cubic yard	\$1.10	\$137.30	\$15.00	\$45.00

*Excluding Washington State Sales Tax

2015 RATES DROP OFF BOX			
Commercial Category	Monthly Container Rent*	Each Haul per Container	
Regular Service			
15 Cubic Yard	\$36.80	\$504.95	
20 Cubic Yard	\$39.45	\$594.60	
25 Cubic Yard	\$39.55	\$683.95	
30 Cubic Yard	\$43.50	\$773.05	
40 Cubic Yard	\$44.00	\$951.10	
Temporary Service			
	Daily Container Rent*	Each Haul per Container	Placement Fee
15 Cubic Yard	\$1.10	\$504.95	\$50.00
20 Cubic Yard	\$1.10	\$594.60	\$50.00
25 Cubic Yard	\$1.10	\$683.95	\$50.00
30 Cubic Yard	\$1.10	\$773.05	\$50.00
40 Cubic Yard	\$1.10	\$951.10	\$50.00

*Excluding Washington State Sales Tax

2016 RATES DROP OFF BOX			
Commercial Category	Monthly Container Rent*	Each Haul per Container	
Regular Service			
15 Cubic Yard	\$36.80	\$504.95	
20 Cubic Yard	\$39.45	\$594.60	
25 Cubic Yard	\$39.55	\$683.95	
30 Cubic Yard	\$43.50	\$773.05	
40 Cubic Yard	\$44.00	\$951.10	
Temporary Service			
	Daily Container Rent*	Each Haul per Container	Placement Fee
15 Cubic Yard	\$1.10	\$504.95	\$50.00
20 Cubic Yard	\$1.10	\$594.60	\$50.00
25 Cubic Yard	\$1.10	\$683.95	\$50.00
30 Cubic Yard	\$1.10	\$773.05	\$50.00
40 Cubic Yard	\$1.10	\$951.10	\$50.00

*Excluding Washington State Sales Tax

12. When the weight of the contents of a noncompacted drop-off box exceeds the applicable maximum weight for a truck to safely handle the load, the customer will be charged the commercial disposal tip fee rate for each ton and/or portion of a ton by which the contents exceed the maximum weight of 10 tons.

13. Uncontained loads that are determined to be “Dusty Loads” by Solid Waste Management are subject to rejection or assessment of additional processing fees.

14. Solid Waste Management reserves the right to collect advance payment for container placement and up to four months of charges for rental and service charges associated with the provision of temporary service. The City Treasurer may accept satisfactory securities or surety bond in lieu of cash payment. Such payment or security may be applied toward the payment of service charges whenever the same shall become due. Solid Waste Management reserves the right to require additional advance payment for subsequent service that may be requested by the customer.

F. Commercial Compactor Container Rates. Commercial rates for collection and disposal of solid waste from customer-owned compactor containers shall be as follows:

1. Customer-owned containers will be charged the 20-gallon commercial barrel rate if no other solid waste service is provided by Solid Waste Management at the location during the month.

2015 RATES FRONT LOAD COMPACTOR CONTAINER	
Commercial Category	Each Container Each Pickup
Regular Service	
2 Cubic Yard	\$99.40
3 Cubic Yard	\$149.64
4 Cubic Yard	\$192.16
5 Cubic Yard	\$234.63

2016 RATES FRONT LOAD COMPACTOR CONTAINER	
Commercial Category	Each Container Each Pickup
Regular Service	
2 Cubic Yard	\$99.40
3 Cubic Yard	\$161.91
4 Cubic Yard	\$208.39
5 Cubic Yard	\$254.69

2015 RATES DROP OFF BOX COMPACTOR	
Commercial Category	Each Container Each Pickup
Regular Service	
10 Cubic Yard	\$719.75
12 Cubic Yard	\$823.17
15 Cubic Yard	\$1,019.41
16 Cubic Yard	\$1,069.27
17 Cubic Yard	\$1,108.54
18 Cubic Yard	\$1,158.73
20 Cubic Yard	\$1,274.88
24 Cubic Yard	\$1,479.05
25 Cubic Yard	\$1,530.51
26 Cubic Yard	\$1,581.71
27 Cubic Yard	\$1,632.13
30 Cubic Yard	\$1,786.89
33 Cubic Yard	\$1,942.33
34 Cubic Yard	\$1,991.32
40 Cubic Yard	\$2,299.04

2016 RATES DROP OFF BOX COMPACTOR	
Commercial Category	Each Container Each Pickup
Regular Service	
10 Cubic Yard	\$719.75
12 Cubic Yard	\$831.06
15 Cubic Yard	\$1,082.94
16 Cubic Yard	\$1,134.60
17 Cubic Yard	\$1,163.97
18 Cubic Yard	\$1,216.67
20 Cubic Yard	\$1,355.28
24 Cubic Yard	\$1,573.81
25 Cubic Yard	\$1,628.29
26 Cubic Yard	\$1,683.02
27 Cubic Yard	\$1,736.20
30 Cubic Yard	\$1,903.01
33 Cubic Yard	\$2,071.46
34 Cubic Yard	\$2,121.53
40 Cubic Yard	\$2,451.18

2. The service charge for other compactor container sizes that may become available shall be determined by Solid Waste Management.

3. When the weight of the contents of a compacted container exceeds the applicable maximum weight for a truck to safely handle the load, the customer will be charged the commercial disposal tip fee rate for each ton and/or portion of a ton by which the contents exceed the maximum weight of 10 tons.

4. Uncontained loads that are determined to be “Dusty Loads” by Solid Waste Management are subject to rejection or assessment of additional processing fees.

G. Recyclable Material Collection Fees. If requested, Solid Waste Management may, at its option, agree to collect recyclable materials from commercial customers at the curb or premises. The fees for this service are typically lower than garbage collection service, but are subject to fluctuations in the value or cost of the recyclable material.

The Director is delegated the authority to assign and charge a rate for the collection of recyclable material from commercial customers. The Director shall assign such a rate in accordance with the following criteria and process:

1. The rate shall reflect the cost of service, to the extent reasonably possible, given the constantly fluctuating value and/or costs of recyclable material.
2. The rate shall include cost items related to the service including, but not limited to, labor and benefits, equipment, maintenance and operations of equipment and containers, processing fees, direct and indirect overhead charges, and other related costs. In addition, revenues received from the sales or marketing of the collected recyclable material and the collection service levels shall be included with the assigned rate.
3. The Director may adjust the assigned rate up to four times per year.
4. Solid Waste Management shall notify the affected parties a minimum of 45 days prior to implementing rate changes.

Application of the assigned rate shall be through the normal billing and invoicing process. In the event a customer cancels service covered under this policy and wishes to initiate similar service within one year’s time, a \$50.00 service charge may be applied to the restart of the service.

Due to potential cost savings of collecting all recyclables from an individual customer, the Director is further delegated the authority to negotiate a bundled rate with individual commercial customers for collection of all recyclable materials from that customer for an agreed period of time.

H. Recyclable Materials Bulk Container.

1. Drop-off Box Recycling Service.

Container Placement	\$50.00
Haul Charge	\$50.00 per haul
Mileage Charge	\$2.50 per mile one way
Daily Rental Charge	\$1.10 per day (excluding Washington State sales tax)

Disposal costs shall be the responsibility of the customer. The customer shall arrange for an account at the recycling facility for billing disposal costs directly to the customer. In the event that the customer fails to make proper arrangements for an account at the recycling facility, Solid Waste Management may add the cost of recycling or disposal of the material to the customer’s hauling charges.

If the drop-off box is not hauled by the customer within 60 days, Solid Waste Management may remove and haul the drop-off box and charge the customer applicable transportation and disposal costs.

I. Containers shall not be longer than 22 feet, or larger than a 25 yard self-contained compactor, or a 30 cubic yard disconnect-type compactor without the prior written approval of Solid Waste Management.

J. It shall be the responsibility of any customer in possession of any City-owned bulk container to pay the cost of repair to, or replacement of any such container damaged while in his or her possession. The charge shall be the actual cost of repair or replacement as determined by the City and shall be added to the customer’s utility bill.

K. The service charge for other container sizes that may become available will be at a rate sufficient to recover the cost of providing the service.

L. In addition to the charges for commercial and residential rates set forth above, when unscheduled services are requested or required, Solid Waste Management shall charge for such services as set forth in this chapter.

M. The siting of a compactor’s location shall be coordinated with and specifically approved by Solid Waste Management before installation. If a compactor is placed prior to Solid Waste Management’s specific approval and Solid Waste Management deems the placement unacceptable, Solid Waste Management may elect to refuse service. The customer shall relocate and bear all costs incurred for the relocation of the compactor. Such customers shall, among other things, be required to hold the City harmless from any and all liability resulting from the improper placement and/or relocation of the compactor. Siting of the compactor and construction of any compactor enclosure shall be in conformance with all applicable City and state regulations.

N. It is the responsibility of the owner of a customer-owned container to keep the container maintained and serviceable, including all doors, lids, fork pockets, wheels, bail hooks, bottom rails, or any part of the container needed for dumping or hauling of the container. Solid Waste Management shall not be held liable for damage to privately owned containers. Solid Waste Management is not obligated to service improperly maintained containers. Customer-owned containers must also be kept graffiti free.

O. An enclosure provided for a solid waste container shall be used only for the solid waste container. If items other than a solid waste container are placed in an enclosure, Solid Waste Management shall be held harmless for any and all loss or damage to such items, whether occasioned by Solid Waste Management’s negligence or otherwise. It shall be the responsibility of the customer to keep the enclosure in an acceptable sanitary condition including the area in the vicinity of the enclosure.

P. If an enclosure is gated, the gates shall have the ability to be pinned in the open position. If gated, the gates shall have at least a 180-degree swing. When gates are in the open position, they shall not block or infringe on any traffic aisles.

1. Drop-off box enclosures shall have a minimum opening width of 12’0” and the depth must extend a minimum of 3’0” beyond the end of the container.

2. Front load box enclosures shall have a minimum opening width of 12’0” and a minimum depth of 10’0”. If two front load box containers are placed, the enclosure shall allow for a minimum of a three-foot clearance between enclosure and front load box, as well as a two-foot clearance between each front load box.

3. Automated 300-gallon container enclosures shall have a minimum opening width of 10’0” and a minimum depth of 7’0”. In addition, for two or more containers, a three-foot clearance between enclosure and barrels is required, as well as a two-foot clearance between each barrel.

4. All enclosures shall be designed so the solid waste collection vehicle that services the enclosed container can maneuver and safely service the container. A service charge of \$10.00 for 300-gallon containers and \$25.00 for front-load containers and drop-off box containers may be charged when Solid Waste Management is unable to service a commercial customer's container on the scheduled pickup and Solid Waste Management has to make a return trip to service the container. This charge may be applied if the container access is blocked, the gates to the enclosure are not in the open position, or Solid Waste Management is, for any reason, unable to service the container.

Q. Construction of an enclosure for disposal containers shall not commence prior to plan approval by Solid Waste Management. Failure to obtain plan approval prior to construction may require alterations, relocation, or complete reconstruction of the enclosure at the owner's expense. Solid Waste Management may refuse to provide service to a customer who has enclosed a disposal container improperly.

R. City-owned recycling containers that are repeatedly contaminated with garbage may be removed at the discretion of Solid Waste Management. A \$10.00 service charge will be assessed for redelivery of each container.

S. All compactors which may contain liquids are to be equipped with a drain and a connection to the sanitary sewer. The connection to the sanitary sewer must meet the requirements of both Solid Waste Management and the City's Wastewater Management Division.

T. The Director is delegated the authority to assign a rate for the disposal of a particular opportunity fuel as long as the rate does not exceed \$90.00 per ton for disposal of "opportunity fuels," as that term is defined in TMC 12.09.030. If Solid Waste Management requires a purchase of a particular opportunity fuel, Solid Waste Management shall purchase said fuel pursuant to those procedures set forth in the Administrative Policies and Procedures Manual.

U. City of Tacoma Solid Waste Commercial customers may request "Call-2-Haul" service appointments. No more than three large items, consisting of appliances, furniture, or items of a similar size and weight, and 15 bags or boxes of unusable household items will be picked up by Solid Waste Management at each Call-2-Haul service appointment. A charge of \$75.00 will be charged for each commercial Call-2-Haul. A charge of \$10.00 will be assessed for late cancellations or if items are not set out by 7:00 a.m. on the scheduled date.

(Ord. 28262 Ex. A; passed Dec. 9, 2014: Ord. 28129 Ex. A; passed Feb. 12, 2012: Ord. 27969 Ex. A; passed Feb. 1, 2011: Ord. 27766 Ex. A; passed Dec. 9, 2008: Ord. 27662 Ex. A; passed Dec. 4, 2007: Ord. 27555 § 6; passed Dec. 5, 2006: Ord. 27537 § 10; passed Oct. 24, 2006: Ord. 27286 § 8; passed Nov. 2, 2004: Ord. 27177 § 1; passed Dec. 16, 2003: Ord. 27138 § 4; passed Sep. 9, 2003: Ord. 27004 § 4; passed Nov. 19, 2002: Ord. 26921 § 1; passed Jan. 15, 2002: Ord. 26887 § 7; passed Dec. 4, 2001: Ord. 26728 § 11; passed Nov. 7, 2000: Ord. 26527 § 3; passed Nov. 16, 1999: Ord. 26339 § 7; passed Dec. 8, 1998: Ord. 26176 § 7; passed Dec. 16, 1997: Ord. 26072 § 12; passed May 27, 1997: Ord. 25842 § 2; passed Feb. 6, 1996: Ord. 25583 § 5; passed Oct. 11, 1994: Ord. 25437 § 1; passed Feb. 8, 1994: Ord. 25404 § 2; passed Nov. 30, 1993: Ord. 25259 § 1; passed Feb. 2, 1993: Ord. 25221 § 2; passed Dec. 8, 1992)

12.09.130 Use of Recovery and Transfer Center Facility (disposal site) – General.

Use of disposal site and applicable rates are defined below. Disposal rates are based on the categories described in Section A below. City utility billing information may be verified by the scale house customer information system. No person shall use the City's public disposal site except under the following terms and conditions.

A. Disposal Categories. All customers using the disposal site will be charged the specified rate in one of the following categories. The rate will be determined at the scale house. Each customer shall provide proper documentation to qualify for the City residential rate.

1. City Residential Rate. The following individuals shall be eligible for the City residential rate as specified below.

a. The owner-occupant or tenant of a single family home, duplex, townhouse, or condominium located within the City of Tacoma may dispose of solid waste and yard waste from said property at City residential rates with proof of residency as outlined in Section B below.

b. The owner of residential property located within the City of Tacoma may dispose of solid waste and yard waste from said property at City residential rates in Section B, but only if they provide proof that they personally pay all City electrical, water, solid waste, wastewater, and surface water utility services at such property.

c. A tenant in a multi-family dwelling (triplex or larger) located within the City of Tacoma may dispose of solid waste generated from within their living unit at City residential rates with proof of City residency as outlined in section B below. Construction and demolition waste, yard waste, and large appliances will be charged at the City commercial rate.

2. City Commercial Rate. Any City-located business, industry, and mobile home park; organization, either public or private, profit or non-profit; multi-family dwellings (triplex or larger); or person hauling for a second party will be charged the City commercial rate for all solid waste and yard waste.

3. Outside City Rates. Any person who cannot provide proof of City residency as set forth below, or the proof required under subsection 1.b., above, shall be charged the outside City rates for all solid waste and yard waste.

B. Proof of City Residency. To be eligible for the City residential rate, the customer must reside in a single-family, duplex, or multi-family housing unit within the City as described in subsections 1.a, or 1.c of Section A above, and provide one of the following forms of proper documentation as proof of City residency:

1. Current Washington State driver's license or Washington State identification card showing a City address which receives City residential solid waste service in the bearer's name; or
2. Any form of picture identification along with a current City utility bill showing an address that receives residential solid waste service in the bearer's name; or
3. Any form of picture identification along with a piece of current mail (such as a credit card or bank statement) not over 30 days old, in the bearer's name and addressed to a residence which receives City residential solid waste service. To provide equitable service to City residential rate customers, Solid Waste Management may exercise discretion in making exceptions to the Proof of City Residency requirements, provided it is reasonable to believe the customer is a City resident.

C. Fraudulent Use of the Public Disposal Area. No person may dispose of waste at the City's public disposal area under fraudulent circumstances.

D. Scavenging. All materials delivered to and disposed of at the City's public disposal area are the property of the City. No person shall scavenge, separate, collect, or remove such material unless permitted in writing to do so by Solid Waste Management.

E. Unlawful Entry. It is unlawful for any person to enter or use the City's public disposal area, except during the hours designated for public use.

F. Size of Material. Material brought to the City's public disposal area must conform to certain size restrictions based on equipment limitations. Any material exceeding these dimensions may be subject to a special handling fee and/or approval by the Landfill Supervisor. Specific size restrictions for lumber, construction and demolition debris, tree branches, and railroad ties and large beams shall be as follows:

1. Lumber: No longer than 8 feet in length. Wood with a cross-section 6 inches by 6 inches or larger must be cut to 4-foot lengths. Construction and demolition debris such as sections of walls can be no larger than 4 feet by 8 feet.
2. Tree Branches: No longer than 4 feet in length and 8 inches in diameter.
3. Railroad Ties/Large Beams (6 inches by 6 inches): No longer than 4 feet.

The Division Manager for Solid Waste, or his or her designee, may adjust any material size requirements based on operational needs and equipment limitations.

G. Safety. Persons shall not act in an unsafe or disruptive manner while at the Landfill. Children under 12 years of age shall remain in their vehicle at all times. Drivers shall obey the posted speed limit and signage. Any person who violates the provisions of this subsection may be refused service.

(Ord. 28262 Ex. A; passed Dec. 9, 2014; Ord. 28129 Ex. A; passed Feb. 12, 2012; Ord. 27555 § 7; passed Dec. 5, 2006; Ord. 27537 § 11; passed Oct. 24, 2006; Ord. 27286 § 9; passed Nov. 2, 2002; Ord. 26728 § 12; passed Nov. 7, 2000; Ord. 26339 § 8; passed Dec. 8, 1998; Ord. 26176 § 8; passed Dec. 16, 1997; Ord. 26072 § 13; passed May 27, 1997; Ord. 25583 § 6; passed Oct. 11, 1994; Ord. 25221 § 2; passed Dec. 8, 1992)⁷

12.09.140 Disposal rates.

All rates are based on 100-pound increments. (Any fraction of 100 pounds will be billed as 100 pounds.)

1. Solid waste generated within a private resident's home or yard, not including material from:

⁷ Code reviser's note: Ord. 25583 contained two sections numbered 6. The other is codified at Section 12.09.140.

Pounds per load	Within City of Tacoma		Outside City of Tacoma	
	2015	2016	2015	2016
0 - 400	\$15.00	\$20.00	\$7.50 per 100 pounds - minimum charge \$15.00	\$7.50 per 100 pounds - minimum charge \$20.00
Disposals of more than 400 pounds	\$6.50 per each 100 pounds exceeding the initial 400-pound load	\$6.50 per each 100 pounds exceeding the initial 400-pound load	\$7.50 per each 100 pounds exceeding the initial 400-pound load	\$7.50 per each 100 pounds exceeding the initial 400-pound load

To qualify for these disposal rates, City residents must present proper documentation in a form that satisfies the requirements of TMC 12.09.130.

2. There shall be no charge for City residential yard waste that is properly prepared and sorted and hauled to the City’s public disposal area by the homeowner. This shall apply only to loads consisting of 100 percent yard waste (vegetation). To qualify for this service at no charge, the customer must present at the time of disposal documentation that satisfies the requirements of TMC 12.09.130.B.

3. All material, except Item 1 above:

Pounds per load	
2015	2016
\$6.50 per 100 pounds; minimum charge of \$15.00	\$6.50 per 100 pounds; minimum charge of \$20.00

4. Material from nonprofit corporations qualifying under Section 12.09.140.B:

Pounds per load	
2015	2016
\$3.25 per 100 pounds; minimum charge of \$15.00	\$3.25 per 100 pounds; minimum charge of \$20.00

5. Special handling:

- a. A minimum special handling fee of \$100.00 will be charged per load, plus tonnage charges, unless otherwise specified.
- b. Other special handling fees shall be applied as follows:

Material from:

	Within City of Tacoma	Outside City of Tacoma
Asbestos	\$10.00 minimum plus \$150.00 per ton	Not accepted
(Refer to Section 12.09.200, Disposal of asbestos-containing material)		
Appliances with compressors	\$20 each plus tonnage	\$40 each plus tonnage
Tires –		
Passenger Cars and light trucks	\$3.25 each plus tonnage	\$6.75 each plus tonnage
On rims	\$6.75 each plus tonnage	\$13.00 each plus tonnage
Larger than 10:00 x 20	\$16.50 each plus tonnage	\$33.00 each plus tonnage
No large tires accepted on rims		
Car seats	\$3.25 each plus tonnage	\$6.75 each plus tonnage
Large furniture	\$11.00 for the first 4 pieces, plus \$11.00 for each additional, plus tonnage	\$40.00 for the first 4 pieces, plus \$11.00 for each additional, plus tonnage
Special handling fees shall not be limited to the items specified above.		

c. All of the above rates are based on one-half hour unloading time. When unloading time exceeds one-half hour, an additional fee of \$12.25 for each additional one-half hour or part thereof will be assessed. Time shall be determined by the automated scale system.

d. Any vehicle still being unloaded past closing time may be assessed an additional fee.

e. Every person with waste material that requires special handling shall pay such additional fees as will fairly compensate Solid Waste Management for any added expense of properly disposing of such materials, unless otherwise specified. Loads that are determined to be "Dusty Loads" by Solid Waste Management are subject to rejection or assessment of additional special handling fees. Appliances that have Freon compressors removed will still be charged the special handling fee.

6. Service Charge. A customer who is unable to pay for disposal at the time of disposal at the Tacoma Landfill shall be charged for that disposal along with an additional service charge of \$10.00.

A. Disposal Area Open Accounts. Solid Waste Management may establish open accounts for the benefit of regular customers licensed to do business in the State of Washington and utilizing the City's public disposal area for disposal of solid waste. Eligibility for open accounts will be determined based on frequency of use, amount of material requiring disposal, and evidence of a satisfactory credit history. Such open accounts will be subject to a set-up fee of \$25.00 for each disposal account card issued, said fee to be collected at the time the account is established. Solid Waste Management reserves the right to approve or disapprove the establishment and maintenance of open accounts. Solid Waste Management may restrict use of the public disposal area to any customer with a delinquent City public disposal area account until the delinquent balance is paid in full.

Disposal account cards issued to customers shall remain the property of Solid Waste Management. Lost or stolen cards shall be immediately reported in writing to Solid Waste Management. Customers are liable for all charges on lost or stolen cards until written notification is received by Solid Waste Management. There will be a fee of \$25.00 charged to replace each card lost, stolen, or damaged. Cards which fail as a result of normal wear will be replaced at no expense to the customer.

B. A qualifying nonprofit materials salvage/recycling corporation, upon application and approval, may be granted a reduced disposal rate for material hauled in accordance with TMC 12.09.070, and under the following conditions:

1. All waste must have been generated from within the City.
2. Only those wastes generated from the operation of the corporation within the City will be eligible for the reduced disposal fee. All other wastes shall be subject to the applicable rate set forth herein.
3. The waste cannot contain any putrescible materials.
4. The waste must not contain any hazardous materials and must be in accordance with guidelines as to what is normally acceptable by Solid Waste Management.
5. The waste cannot contain any recyclable materials.

C. If the City Council finds that a neighborhood has a blighted condition caused by excessive refuse and/or solid waste and that such a condition is detrimental to the public health and welfare, the City Council may adjust the solid waste rates to fund appropriate programs to remediate such conditions. An example of an appropriate program is a qualifying City neighborhood group conducting a cleanup campaign approved by Solid Waste Management.

A qualifying neighborhood group may be granted disposal privileges at the Tacoma Landfill at no charge, or disposal privileges in a solid waste container supplied by Solid Waste Management at no charge, for material complying with the following conditions:

1. All waste must have been generated from within the City and collected pursuant to the cleanup campaign of the neighborhood group.
2. The waste cannot contain any putrescible materials.
3. The waste must not contain any hazardous materials and must be in accordance with the guidelines as to what is normally acceptable by Solid Waste Management.
4. The waste cannot contain any recyclable materials.
5. The aforementioned disposal privilege may be revoked at any time.⁸

(Ord. 28262 Ex. A; passed Dec. 9, 2014; Ord. 28129 Ex. A; passed Feb. 12, 2012; Ord. 27766 Ex. A; passed Dec. 9, 2008; Ord. 27555 § 8; passed Dec. 5, 2006; Ord. 27537 § 12; passed Oct. 24, 2006; Ord. 27286 § 10; passed Nov. 2, 2004;

⁸ Code reviser's note: Ord. 25583 contained two sections numbered 6. The other is codified at Section 12.09.130.

Ord. 27004 § 5; passed Nov. 19, 2002: Ord. 26887 § 8; passed Dec. 4, 2001: Ord. 26728 § 13; passed Nov. 7, 2000: Ord. 26339 § 9; passed Dec. 8, 1998: Ord. 26176 § 9; passed Dec. 16, 1997: Ord. 26072 § 14; passed May 27, 1997: Ord. 25842 § 3; passed Feb. 6, 1996: Ord. 25583 § 6; passed Oct. 11, 1994: Ord. 25437 § 2; passed Feb. 8, 1994: Ord. 25404 § 3; passed Nov. 30, 1993: Ord. 25259 § 2; passed Feb. 2, 1993: Ord. 25221 § 2; passed Dec. 8, 1992)

12.09.150 Commercial service – Cash payment/deposit – Service charge. *Repealed by Ordinance 26339.*

(Ord. 26339 § 10; passed Dec. 8, 1998: Ord. 26072 § 15; passed May 27, 1997: Ord. 25221 § 2; passed Dec. 8, 1992)

12.09.160 Billing periods, payments and collections.

A. All bills for Solid Waste Management services, as set forth herein, shall be rendered monthly or bimonthly as determined by the City Manager. The utility bill shall become due and payable at the office of the City Treasurer, or such other places as approved by the City Treasurer, within 15 days from the date an invoice is issued per TMC 12.01.030 and shall become delinquent thereafter.

The charge for service furnished for any portion of a billing period shall be prorated on the flat rate set forth herein.

B. Any invoice that becomes delinquent shall be subject to a late payment fee as set forth in TMC 12.01.030. Upon delinquency, all charges and penalties immediately become a lien against the premises served. Such lien may be foreclosed upon in accordance with and pursuant to, the provisions of RCW 35.21.130, 35.21.140, and 35.21.150. In addition to such foreclosure, a customer whose combined utility account is delinquent may also be subject to having City water service shut off at the premises to which the solid waste services were furnished. In the event that the City files or releases a lien with the County Auditor, a processing fee will be added to the delinquent amounts owed equivalent to the current fees charged by the County Auditor for filing or releasing a lien. The processing fee will be allocated to Solid Waste Management Funds and for City tax purposes recorded as revenue.

C. It shall be the customer's and the property owner's responsibility to increase, reduce, or terminate Solid Waste Management service when necessary. Solid Waste Management assumes no responsibility for charges accrued due to the failure of a customer to notify Solid Waste Management of a change of service or occupancy.

D. A service fee of \$20.00 shall be made to the disposal charges for any returned check, (i.e., nonsufficient funds, stopped payment, or closed accounts).

(Ord. 28262 Ex. A; passed Dec. 9, 2014: Ord. 28160 Ex. A; passed July 9, 2013; Ord. 28129 Ex. A; passed Feb. 12, 2012: Ord. 27969 Ex. A; passed Feb. 1, 2011: Ord. 27961 Ex. A; passed Dec. 14, 2010: Ord. 27766 Ex. A; passed Dec. 9, 2008: Ord. 27537 § 13; passed Oct. 24, 2006: Ord. 26887 § 9; passed Dec. 4, 2001: Ord. 26728 § 14; passed Nov. 7, 2000: Ord. 26072 § 16; passed May 27, 1997: Ord. 25221 § 2; passed Dec. 8, 1992)

12.09.170 Disposal area automated scale system cards.

A. Each disposal customer entering the Solid Waste Management public disposal area shall be issued or have in his/her possession an Automated Scale System card. Such card shall be used to determine appropriate charges. In the event a card is lost, a fee of \$25.00 will be charged for the card, and the disposal fee will be calculated based on the Gross Vehicle Capacity less the outbound tare at prevailing disposal rates.

B. Any card damaged (rendered unreadable) while in the possession of a customer shall result in the assessment of a \$25.00 fee in addition to any disposal charge.

(Ord. 28129 Ex. A; passed Feb. 12, 2012: Ord. 27555 § 9; passed Dec. 5, 2006: Ord. 27537 § 14; passed Oct. 24, 2006: Ord. 26728 § 15; passed Nov. 7, 2000: Ord. 26072 § 17; passed May 27, 1997: Ord. 25221 § 2; passed Dec. 8, 1992)

12.09.180 State tax.

Solid Waste Management rates provided in this chapter are inclusive of the refuse collection tax imposed on each person using solid waste collection services, which is required to be collected by the City of Tacoma and remitted to the state of Washington pursuant to Chapter 282 of the Session Laws of 1986.

(Ord. 27555 § 10; passed Dec. 5, 2006: Ord. 27138 § 5; passed Sep. 9, 2003: Ord. 27004 § 6; passed Nov. 19, 2002: Ord. 26728 § 6; passed Nov. 7, 2000: Ord. 26072 § 18; passed May 27, 1997: Ord. 25221 § 2; passed Dec. 8, 1992)

12.09.190 Prohibited material.

A. Solid Waste Management may inspect business premises for the purpose of evaluating waste generated and disposal practices. These inspections will be during normal working hours and will be carried out in such a manner as to minimize disruption of the businesses' activities. Environmental Services Department employees will inspect business waste generated and disposal practices for the purpose of determining compliance with this section. Failure of a business to comply with a

request for inspection will be deemed a violation and may, at the discretion of the Director, result in revocation of solid waste disposal privileges at the City's public disposal area.

B. No toxic, extremely hazardous, dangerous/hazardous, or liquid waste as defined now or hereafter amended in WAC 173-303 shall be deposited in any solid waste container, or other container intended for transportation to the City Landfill, or other disposal site operated by the City, or operated by a person under contract with the City to provide such service. Toxic, extremely hazardous, dangerous/hazardous, or liquid waste, as defined now or hereafter amended in WAC 173-303, shall not be deposited at the City Landfill unless such waste is accepted for disposal by the City's Household Hazardous Waste Facility. Additionally, no toxic, extremely hazardous, dangerous/hazardous, or liquid waste, as defined now or hereafter amended in WAC 173-303, shall be deposited at any other disposal site operated by the City, or operated by a person under contract with the City to provide such service. Generators, small quantity generators, contractors, or other persons shall not commingle and/or deposit toxic, extremely hazardous, dangerous/hazardous, or non-petroleum liquid waste, as defined now or hereafter amended in WAC 173-303, with used oil and dispose of such waste into a City-owned used oil collection tank. Unlawful disposal of toxic, extremely hazardous, dangerous/hazardous, or liquid waste, as defined now or hereafter amended in WAC 173-303, is prohibited at the City's Household Hazardous Waste Facility.

C. No extremely hazardous, dangerous/hazardous, or liquid waste as defined now or hereafter amended in WAC 173-303 and normally found in the home (household hazardous waste) shall be deposited in any solid waste container intended for transport to a public disposal area.

1. Empty pesticide containers will be accepted, provided they are prepared for disposal in accordance with the Washington State Department of Agriculture's guidelines. Empty oil-base and latex paint containers will be accepted, provided the residue is thoroughly dried.

D. No container used to store a liquid, dangerous/hazardous waste, or toxic material will be accepted for disposal unless emptied and prepared in accordance with Solid Waste Management's guidelines. Only open-top drums or containers will be accepted for disposal. Fuel tanks must be cleaned and perforated before they will be accepted. No compressed gas or air tanks will be accepted for disposal, with the exception of propane tanks which are five gallons or less in capacity. Persons disposing of propane tanks which are five gallons or less in capacity shall notify the City's public disposal area personnel prior to disposing of such tanks.

E. Unusual Quantities. Solid Waste Management reserves the right to reject large quantities of material at the public disposal area not normally generated as a waste of a household or business. Such material includes, but is not limited to, demolition waste, dirt, rocks, concrete, etc.

F. No infectious waste shall be placed in any container or any public disposal area, unless said wastes are handled and treated in accordance with Chapter 5.04 of the Tacoma Municipal Code and an applicable special permit has been obtained from the Director.

G. No rocks, dirt, or tires are to be placed in containers for disposal.

H. Yard waste shall be separated from solid waste and placed in a separate container for disposal at the City's public disposal area.

I. No hot ashes and/or material capable of causing ignition or spontaneous combustion shall be placed in any solid waste container, vehicle, or the City's public disposal area.

J. No bulk wastes shall be placed in automated collection containers other than drop-off boxes and front-load containers.

K. No used motor oil or other automotive fluids shall be placed, drained, spilled, and/or released in any solid waste container. Used motor oil will be accepted at the City's public disposal area only for the purposes of recycling.

L. Solid Waste Management reserves the right to prohibit or to place disposal restrictions upon any waste that may adversely affect landfill, resource recovery, or transfer facility operations. This shall also extend to any item that may pose a risk to the health or safety of landfill employees or customers.

1. Disposal restrictions that may be implemented shall include, but are not limited to, item size restrictions, quantity restrictions, recyclability, special preparation requirements, and solid waste source documentation requirements.

M. In the event that prohibited material is deposited in a Solid Waste Management container or other container at the disposal site, the person or persons responsible for such disposal activity shall, at their own cost, be responsible for properly cleaning up, decontaminating, remediating, and properly disposing of such prohibited waste. For the purpose of this paragraph, the phrase "properly cleaning up, decontaminating, remediating, and properly disposing of such prohibited waste" means conducting such work in accordance with all applicable local, state, and federal laws and regulations governing such work. If the party responsible for disposing of prohibited waste refuses to comply with this section, and the Solid Waste Management

Division cleans up, decontaminates, or remediates, and properly disposes of such prohibited waste, then the Solid Waste Management Division shall charge the responsible party for the direct and indirect costs of such action.

(Ord. 28262 Ex. A; passed Dec. 9, 2014: Ord. 28129 Ex. A; passed Feb. 12, 2012: Ord. 28093 Ex. F; passed Oct. 16, 2012: Ord. 27537 § 15; passed Oct. 24, 2006: Ord. 27286 § 11; passed Nov. 2, 2004: Ord. 26887 § 10; passed Dec. 4, 2001: Ord. 26728 § 17; passed Nov. 7, 2000: Ord. 26339 § 11; passed Dec. 8, 1998: Ord. 26176 § 10; passed Dec. 16, 1997: Ord. 26072 § 19; passed May 27, 1997: Ord. 25583 § 7; passed Oct. 11, 1994: Ord. 25259 § 3; passed Feb. 2, 1993: Ord. 25221 § 2; passed Dec. 8, 1992)

12.09.200 Disposal of asbestos-containing material.

The City shall accept asbestos-containing material under the following conditions:

- A. The asbestos-containing material must be generated from within the limits of the City. Documentation of the source of the asbestos-containing material shall be required.
- B. The asbestos-containing material shall be prepared in a manner approved by Solid Waste Management;
- C. Disposal of asbestos-containing material shall be restricted to days and times of the week determined by Solid Waste Management policy. Weather and landfill conditions may also dictate whether disposal will be permitted.
- D. The Landfill Supervisor or his/her designated representative shall be notified a minimum of 24 hours in advance of bringing the material to the site, and the notification shall include the estimated quantity to be landfilled.
- E. All local, state, and federal regulatory agency requirements relative to asbestos-containing material handling and disposal shall be met.
- F. Solid Waste Management reserves the right to prohibit the disposal of asbestos-containing material at any time.

(Ord. 28262 Ex. A; passed Dec. 9, 2014: Ord. 28129 Ex. A; passed Feb. 12, 2012: Ord. 27286 § 12; passed Nov. 2, 2004: Ord. 26887 § 11; passed Dec. 4, 2001: Ord. 26728 § 18; passed Nov. 7, 2000: Ord. 26072 § 20; passed May 27, 1997: Ord. 25221 § 2; passed Dec. 8, 1992)

12.09.210 Recycling – General.

- A. The City reserves the right to, and may at its discretion, require the separation of recyclable material, including food and yard waste or other component parts of solid waste, or may require the deposit thereof in separate cans or receptacles, and may prescribe the method of collection and reuse.
- B. It is the intent of the City to promote and encourage the recycling of materials and to achieve and maintain a 50 percent recycling goal.
- C. Recyclable material is considered to be solid waste for the purposes of this chapter. It shall be unlawful for any person other than Solid Waste Management to engage in the business or activity of removing, collecting, salvaging, or destroying any recyclable material, as defined elsewhere in this chapter, that has been set out for collection by Solid Waste Management or has been deposited into a permitted recycling drop-off container or center, either private or public, except by special permit issued under TMC 12.09.070.
 - 1. No person may divert to personal or commercial use any recyclable material placed in a container as part of a recycling program without the consent of the generator of such recyclable material or Solid Waste Management.
- D. Recyclable material becomes the property of the City at the moment the material is set out at the curb for collection by Solid Waste Management or at the moment it is deposited into Solid Waste Management-owned recycling containers.
- E. Recyclable materials shall mean the materials described in TMC 12.09.030.
- F. It shall be unlawful for any person to place any material in or around a recycling container other than the recycling material intended for that container.
- G. The Director is authorized and directed to establish and promulgate reasonable regulations, including, but not limited to, regulations governing the permitting of recycling activities and the establishment of standards and conditions for recycling containers and centers. The manner, day, location, and time for the collection of recyclable material, including yard and food waste, shall be designated by Solid Waste Management.
- H. Nothing in this chapter shall abridge the right of any commercial or industrial generation of recyclable materials to give or sell their recyclable material and/or yard and food waste to a lawfully operated recycler, or the right of any person to give or sell their yard and food waste to any lawfully operated composting program.

I. It is unlawful to collect, haul, or convey recyclables, including yard and food waste, from any premises in the City, other than from one's own premises or place of business, without a special permit issued under TMC 12.09.070.

J. It shall be the responsibility of the customer to separate and keep separated from other solid waste any yard and food waste placed at the curb for pickup by Solid Waste Management. Solid Waste management shall not be held responsible for failure to collect the yard and food waste if there is a violation of any part of this chapter or if circumstances are beyond the control of Solid Waste Management. It is also the responsibility of the customer to keep any yard and food waste separated for disposal into the designated areas at Solid Waste Management's public disposal area.

K. All new multi-family residences and new commercial developments shall provide adequate and conveniently located space to store and dispose of recyclable materials and solid waste. These spaces must be in compliance with the Building Code as adopted by the City and any applicable zoning codes.

(Ord. 28262 Ex. A; passed Dec. 9, 2014; Ord. 28129 Ex. A; passed Feb. 12, 2012; Ord. 27537 § 16; passed Oct. 24, 2006; Ord. 27286 § 13; passed Nov. 2, 2004; Ord. 26887 § 12; passed Dec. 4, 2001; Ord. 26728 § 19; passed Nov. 7, 2000; Ord. 26339 § 12; passed Dec. 8, 1998; Ord. 26072 § 21, passed May 27, 1997; Ord. 25221 § 2; passed Dec. 8, 1992)

12.09.220 Enforcement.

Officers or employees of the Solid Waste Management Division of the Environmental Services Department designated by the Director are authorized to enforce the provisions of this chapter.

(Ord. 28093 Ex. F; passed Oct. 16, 2012; Ord. 26728 § 20; passed Nov. 7, 2000; Ord. 26339 § 13; passed Dec. 8, 1998; Ord. 26072 § 22, passed May 27, 1997; Ord. 25221 § 2; passed Dec. 8, 1992)

12.09.230 Violations – Penalties.

Any person, firm, or corporation willfully violating any of the provisions of this chapter set forth in Subsections A and B below shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine in any sum not exceeding \$1,000.00, or by imprisonment for a period not exceeding 90 days, or by both such fine and imprisonment. Each day's violation of the provisions of this chapter may be deemed a separate offense.

A. TMC 12.09.040.J, TMC 12.09.050.A, TMC 12.09.070.A, TMC 12.09.130.C, TMC 12.09.130.E, TMC 12.09.190.B, TMC 12.09.190.C, TMC 12.09.190.K, TMC 12.09.200.A, TMC 12.09.200B, TMC 12.09.210.C, TMC 12.09.210.F, and TMC 12.09.210.I; and

B. Any other violation specified in this chapter as a misdemeanor.

(Ord. 28262 Ex. A; passed Dec. 9, 2014; Ord. 28129 Ex. A; passed Feb. 12, 2012; Ord. 27537 § 17, passed Oct. 24, 2006; Ord. 26072 § 23, passed May 27, 1997; Ord. 25221 § 2; passed Dec. 8, 1992)

12.09.240 Notice of violation – Civil penalties.

The Director may impose civil penalties to any person that violates the provisions of this chapter. Civil penalties shall be in an amount up to \$1,000.00 for each violation. Each and every violation shall be a separate and distinct offense, and in the case of a continuing violation, each day's continuance shall be a separate and distinct violation. Failure to take corrective action as specified in a corrective action order issued by the Director under TMC 12.09 may subject the recipient to a civil penalty in an amount not to exceed \$1,000 for each day of continued noncompliance.

A. Notice of Violation. Upon the Director's determination that a civil violation has occurred, or is occurring, he or she is authorized to issue and serve upon the person a Notice of Violation(s), which notice shall describe the time, date, place, and circumstances of each violation noted. The Notice of Violation may also include a civil penalty for each violation, and an order requiring corrective action to be taken. The Notice of Violation shall be served upon the person to whom it is directed by mailing a copy to such person at the person's last known address, postage prepaid, by certified mail with return receipt requested, or by first-class mail. Proof of service shall be established by the date and signature of the addressee on the certified mail "return receipt" form, or upon the third day following the date upon which the Notice of Violation was placed in the mail, unless the third day falls on a Saturday, Sunday, or legal holiday, in which event service shall be deemed complete on the end of the next day which is neither Saturday, Sunday, or a legal holiday. If the person to whom the Notice of Violation is directed cannot, after due diligence, be personally served within Pierce County, and if an address for mailed service cannot, after due diligence, be ascertained, then notice shall be served by posting a copy of the notice of civil violation conspicuously on the property or structure where the violation occurred, or is occurring. In this circumstance, proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the manner by which the service was made, and if service is made by posting, then the facts showing that due diligence was used in attempting to serve the person personally or by mail.

B. Payment. Person(s) shall pay the civil penalty and take the corrective action described in the Notice of Violation, or shall make arrangements to pay and take corrective actions, which arrangements and plan of corrective actions shall be approved by the Director. Payment shall be made, or a plan for payment and corrective action satisfactory to the Director shall be made and completed not later than 30 days after service upon the person of the Notice of Violation.

C. Appeal. A person may, in the alternative, within 30 days of or receiving a Notice of Violation, file a Notice of Appeal with the City of Tacoma Hearing Examiner and request a hearing. The Notice of Appeal shall stay all further action on the Notice of Violation and accumulation of interest upon civil penalties therein pending final decision by the Hearing Examiner on the appeal; provided, however, that nothing herein shall be taken to limit the authority of the Director to take such action or to make such directives as are reasonable in the circumstances to stop or prevent an ongoing or threatened violation. The date of receipt of a Notice of Violation shall be established according to the proof of service requirements set forth above in TMC 12.09.240.A.

D. Revocation of Service. In the event a person shall fail to make arrangements for corrective actions or to pay civil penalties, as required herein, and shall not have appealed as herein provided within the time allowed, then the Director shall order such person's service immediately suspended and take such action as is necessary to ensure that the person complies with the provisions of this section, including but not limited to denying access of the person to the Solid Waste facilities. All such measures shall remain in effect until the violator has complied with the provisions of this section.

E. Hearing Examiner's Authority. Upon an appeal brought to the Hearing Examiner by a Notice of Appeal of a person charged with a violation, the Hearing Examiner shall set the matter for hearing and shall determine whether the violation has occurred. The Hearing Examiner shall conduct a hearing in the Notice of Violation pursuant to the requirements of TMC 1.23, and the City of Tacoma Office of Hearing Examiner Rules of Procedure. The person to whom the notice of civil violation was directed shall have the right to file a written answer to the charge. The person to whom the notice of civil violation was directed shall have the right to appear at the hearing represented by legal counsel, and may participate as a party. The Director may appear in proceedings under this chapter, and may, but need not, be represented by the City Attorney. Each party may call and cross-examine witnesses and be fully heard. The burden of proof in such appeal shall be governed by TMC 1.23.070.

F. The determination of the Director as to the need for the required corrective action shall be accorded substantial weight by the Hearing Examiner in determining the reasonableness of the required corrective action. The Hearing Examiner may call witnesses on the Hearing Examiner's own motion, and compel the production of books, records, papers, and such other evidence needed by the parties. To that end, the Hearing Examiner may issue subpoenas and subpoenas duces tecum at the request of any party. All testimony shall be given under oath administered by the Hearing Examiner.

1. Decision of the Hearing Examiner. Pursuant to Chapter 1.23 TMC, the Hearing Examiner shall make and fully record in the Hearing Examiner's permanent records, findings of fact, conclusions of law, and an order of disposition. The Hearing Examiner shall determine whether the City has established that a violation has occurred and whether the required corrective action is reasonable. The Hearing Examiner's order shall affirm, vacate, or modify the City's decisions regarding the alleged violation and/or the required corrective action, with or without written conditions. The Hearing Examiner shall issue an order to the person responsible for the notice of civil violation which contains the following information:

- a. The decision regarding the alleged violation including findings of fact and conclusions based thereon in support of the decision;
- b. The required corrective action;
- c. The date and time by which the corrective action must be completed; and
- d. The civil penalties assessed.

2. Assessment of Civil Penalties. Civil penalties assessed by the Director shall be in accordance with the provisions of this section. Civil penalties shall be reasonably calculated to achieve compliance with and deter violations of Chapter 12.09 of the Tacoma Municipal Code.

In reviewing the civil penalty assessment of the Director, the Hearing Examiner shall consider the following factors:

- a. Whether the person against whom the notice of civil violation was issued responded to staff attempts to contact that person, and whether the person against whom the notice of civil violation was issued cooperated with efforts to correct the violation;
- b. Whether the person against whom the notice of civil violation was issued failed to appear at the hearing;
- c. Whether the violation was a repeat violation;
- d. Whether the person against whom the notice of civil violation was issued showed due diligence and/or substantial progress in correcting the violation;
- e. Whether a genuine code interpretation issue exists; and

f. Any other relevant factors.

3. Notice of Decision. The Hearing Examiner shall mail a copy of the decision to the appellant and to the Director.

4. Failure of a person to comply with the Hearing Examiner's decision, or make arrangements for compliance satisfactory to the Director, within 15 days of the date of the Hearing Examiner's decision shall result in termination of violator's permit, and the Director shall thereupon order termination of service forthwith, which service shall not be resumed until the Hearing Examiner's order has been complied with.

5. Appeal to Municipal Court. If the Hearing Examiner orders any person to pay a civil penalty, that person may appeal, in the form of a trial de novo, to the Tacoma Municipal Court.

a. The Tacoma Municipal Court shall hear the case according to the Civil Rules for Courts of Limited Jurisdiction and applicable local rules of the Court.

b. Appeal shall be taken by filing in the Tacoma Municipal Court a Notice of Appeal within 14 days of the Hearing Examiner's order. The person filing the appeal shall also, within the same 14 days, serve a copy of the notice of appeal on the Hearing Examiner, the Director, the City Attorney, and shall file an acknowledgment or affidavit of service in the Tacoma Municipal Court.

6. Nonexclusive Remedy. The provision for civil penalties is not exclusive, and civil penalties may be used together with other remedies that may exist in law or equity, except that no act or omission that is defined as a crime by Washington or federal law shall incur a civil penalty.

(Ord. 28262 Ex. A; passed Dec. 9, 2014; Ord. 28129 Ex. A; passed Feb. 12, 2012; Ord. 27537 § 18, passed Oct. 24, 2006; Ord. 27286 § 14, passed Nov. 2, 2004; Ord. 27004 § 7, passed Nov. 19, 2002; Ord. 26072 § 24, passed May 27, 1997; Ord. 25583 §§8; passed Oct. 11, 1994; Ord. 25221 § 2; passed Dec. 8, 1992)

12.09.250 Appeals of special permits.

Any person wishing to appeal issuance, denial, or revocation of a special permit shall file a written appeal with the Hearing Examiner and request a hearing within 30 days of receipt of the written denial or revocation of the special permit. The date of receipt shall be established in accordance with the proof of service requirements set forth in TMC 12.09.240.A. The Hearing Examiner shall conduct a hearing in such appeal pursuant to the requirements of TMC 1.23 and the City of Tacoma Office of Hearing Examiner Rules of Procedure for Hearing. The burden of proof in such hearings shall be governed by TMC 1.23.070.C.

(Ord. 28262 Ex. A; passed Dec. 9, 2014)

Chapter 12.10

WATER - REGULATIONS AND RATES

Sections:

- 12.10.010 Rules established.
- 12.10.020 Definitions.
- 12.10.030 Water service inside/outside City limits.
- 12.10.035 Ability to supply water within City limits.
- 12.10.040 Application for service.
- 12.10.045 Services and meters.
- 12.10.050 Establishment of service account and request for turn-on.
- 12.10.060 Billing.
- 12.10.110 Turn-on and/or - Unauthorized use.
- 12.10.115 Turn-off, turn-on - Responsibility and liability.
- 12.10.120 Turn-off, turn-on - Condemned buildings.
- 12.10.125 Damage of water service installation.
- 12.10.130 Termination of service.
- 12.10.150 Interruption of service.
- 12.10.170 Ownership of water mains and appurtenances.
- 12.10.180 Operation of private water systems.
- 12.10.200 Private contract charges.
- 12.10.220 Cross connections.
- 12.10.250 Water service construction charges.
- 12.10.275 Property-side (private) in public rights-of-way.
- 12.10.300 Fire hydrant installation and relocation.
- 12.10.301 Fire hydrant services fee (inside City of Tacoma).
- 12.10.302 System capacity flow testing.
- 12.10.303 Franchise hydrant service fee (outside City of Tacoma).
- 12.10.305 Fire hydrant use (non-fire fighting).
- 12.10.310 System development charge (“SDC”).
- 12.10.315 Water main charge.
- 12.10.350 Premises not abutting a permanent water main.
- 12.10.400 Rates - Inside and outside City limits.
- 12.10.485 City not liable for damages.
- 12.10.490 Protection of public health.
- 12.10.495 South Tacoma Groundwater Protection.
- 12.10.500 Waivers - By Superintendent.
- 12.10.505 Customer service policies - Additional rules and regulations.
- 12.10.515 Violations - Penalties - Enforcement.
- 12.10.520 Severability.
- 12.10.525 Interference with and/or damage to City water system.

12.10.010 Rules established.

This chapter is established for the regulation of water utility service by the municipal water supply system of the City of Tacoma.

(Ord. 26048 § 1; passed Mar. 25, 1997)

12.10.020 Definitions.

For purposes of this chapter, the following words or phrases shall have the meaning set forth hereinbelow:

“Actual cost” or “cost” of any work performed for any person or other agency or City department by the Division includes the direct cost of all labor plus fringe benefits, the direct cost of all materials plus materials overhead, the direct cost of equipment used in connection with the work, all other direct costs incurred in connection with the work, plus administrative and supervisory cost.

“Accessory dwelling unit” refers to a second subordinate dwelling added to a single-family dwelling on a single parcel of property with provisions for independent cooking, living, sanitation, and sleeping.

“Assessable unit of frontage” is defined as set forth in Chapter 35.44 of the Revised Code of Washington (or as amended).

“Authorized deposit waiver” means an approved option for residential and commercial customers to waive paying a deposit, which is normally required for electric, water, and/or commercial solid waste customers who do not meet the established criteria, as defined in the Tacoma Public Utilities Customer Service Policies. Waiver options are available for home or property owners; customers who are purchasing the property and/or home; and customers who are renting, leasing, or leasing with an option to purchase the property.

“Board” means the Public Utility Board of the Department of Public Utilities of the City of Tacoma.

“CCF” means 100 cubic feet of water (one unit or approximately 748 gallons).

“City” means the City of Tacoma.

“Commercial service” means water service to a business or businesses engaged in the manufacture and/or sale of a commodity or commodities, or the rendering of a service, including hotels, motels, hospitals, and schools.

“Contract business partner” refers to the person or persons who have sole financial responsibility with the City.

“Council” means the City Council of the City of Tacoma.

“County” means the county in which service is being provided.

“Cross connection” is any actual or potential physical connection between a public water system or the consumer’s water system and any source of non-potable liquid, solid, or gas that could contaminate the potable water supply by backflow.

“Customer” means all persons obtaining water service from the Division.

“Customer Service Policies” means the Customer Service Policies for the Division, as may be amended.

“Director” means the Director of the Department of Public Utilities of the City of Tacoma.

“Division” means the Water Division of the Department of Public Utilities of the City of Tacoma, and may also include the Department of Public Utilities.

“Fraud” means any act to deceive or defraud the Division including, but not limited to, false identity, failure to provide verifiable identification or obtaining water service and not making appropriate payments for said service.

“Frontage” refers to “frontage of property served” and shall mean the front footage of property to be served, or the short buildable side (50 LF minimum) abutting the water main. For properties not abutting the main, it shall mean the shortest buildable side (50 LF minimum).

“Industrial service” means water service to a business enterprise engaged in the manufacture of products, materials, equipment, machinery, and supplies on a substantial or major scale.

“Multiple dwelling units” means residential duplexes, triplexes, fourplexes, apartment buildings, condominiums, mobile home parks, trailer courts, or similar types of multiple dwelling unit arrangements on one parcel of land.

“Parks and irrigation service” means water service to a public park or irrigation customer with seasonal use for recreational, landscaping, and horticultural purposes or other similar uses. Irrigation shall include outdoor residential and commercial sprinkler services.

“Person” means all persons and all private and public entities, including districts, cities, towns, counties, and political subdivisions of the state, Native American tribes, partnerships, and corporations, whether acting by themselves or by a servant, agent, or employee. The singular number shall be held and construed to include the plural and the masculine pronoun to include the feminine.

“Premises” means public or private property, home, building, apartment house, condominium, trailer court, mobile home park, a group of adjacent buildings utilized under one ownership on one parcel of property and under a single control with respect to use of water and responsibility for payment therefor.

“Regular working hours” means 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding City holidays.

“Residential service” means water service to a single-family or multi-family dwelling using water for domestic use, or a single-family dwelling permitted to operate a business on the same premises.

“Service installation” means all piping and fittings from the main to and including the water meter assembly. All piping beyond the meter assembly is the customer's responsibility and is not considered a part of the service installation.

“Superintendent” means the Superintendent of the Water Division of the Department of Public Utilities of the City of Tacoma.

“System” means all water source, supply, and quality facilities, transmission pipelines and storage facilities, pumping plants, distribution mains and appurtenances, vehicles, and materials storage facilities.

“Tampering” means to alter, hinder, or obstruct the operation or maintenance of any water facility(ies) and/or their appurtenance(s), or failure to take reasonable care when operating any water facility(ies) and/or their appurtenance(s).

“Temporary water service” means water service obtained from a water main not abutting the parcel served or from a transmission or supply pipeline, or any main 2” or less in diameter.

“Treasurer” means the City Treasurer of the City of Tacoma.

(Ord. 27570 § 1; passed Dec. 19, 2006; Ord. 27522 § 1; passed Aug. 29, 2006; Ord. 27299 § 1; passed Dec. 7, 2004; Ord. 26800 § 1; passed Apr. 10, 2001; Ord. 26048 § 1; passed Mar. 25, 1997)

12.10.030 Water service inside/outside City limits.

These regulations are applicable to the Division and its customers both inside and outside the City limits, except as provided in Section 12.10.400 (Rates - Inside and outside City limits), or as otherwise specifically delineated.

(Ord. 26048 § 1; passed Mar. 25, 1997)

12.10.035 Ability to supply water within City limits.

All persons wishing to construct any residential premises within the City limits shall be supplied with residential service by the Division subject to the provisions of this chapter and pursuant to RCW 19.27.097.

(Ord. 26048 § 1; passed Mar. 25, 1997)

12.10.040 Application for service.

Applications for water service, hydrant permits, and work to be performed by the Division's staff shall be made at the Division's Permit Counter in the Public Utilities Administration Building or at such other place or places as the Superintendent may designate, by the owner or authorized agent. The application, when approved by the Division, shall constitute a contract whereby the applicant agrees as a condition of water service to comply with this chapter and the rules and regulations of the Division referred to in this chapter or as the same may be revised or amended by the Division from time to time.

(Ord. 27522 § 2; passed Aug. 29, 2006; Ord. 26048 § 1; passed Mar. 25, 1997)

12.10.045 Services and meters.

Each premises shall be served water by a Division-installed, separate water service and meter.

The Superintendent shall have the right to refuse or discontinue water service in any situation where it is discovered that applicable codes or City standards have not been satisfied.

Each new water service connection shall require payment of the water service construction charge in accordance with Section 12.10.250 and system development charge in accordance with Section 12.10.310. Premises that have not contributed to the cost of a permanent distribution water main shall also pay the applicable water main charge in accordance with Section 12.10.315 or 12.10.350.

(Ord. 26800 § 2; passed Apr. 10, 2001; Ord. 26048 § 1; passed Mar. 25, 1997)

12.10.050 Establishment of service account and request for turn-on.

A turn-on charge, as set forth in Chapter 12.01 of this code, will establish a service account.

The customer shall be responsible for all charges on the account. The account shall remain active and accrue charges until the customer notifies the Department's Customer Service Section to close the account, unless the account is delinquent. Water surcharge accounts and fire service accounts cannot be closed without Water Division authorization.

The person establishing a water service account shall be required to make a cash deposit or meet one of the authorized deposit waiver options with the City Treasurer as set under Utility Board resolution. Such deposit may be applied upon delinquent bills owed the City Division and shall be applied to that portion first incurred. A change in the amount of the deposit or security may be required of any customer who changes his or her status of service. The acceptance of a cash deposit or security by the City shall not constitute a bar to the enforcement of the City's lien or termination rights.

(Ord. 27522 § 3; passed Aug. 29, 2006; Ord. 26800 § 3; passed Apr. 10, 2001; Ord. 26048 § 1; passed Mar. 25, 1997)

12.10.060 Billing.

The Director shall cause a bill to be rendered to each customer for water services rendered during the preceding period. The utility bill shall become due and payable at the City Treasurer's office or at such other places designated by the Director, within 15 days from the date an invoice is issued per TMC 12.01.030 and shall become delinquent thereafter. The Water Division shall compute any amounts due under TMC 12.10 by carrying the computation to the third decimal place and rounding to a whole cent using a method that rounds up to the next cent whenever the third decimal place is greater than four. Any invoice that becomes delinquent shall be subject to a late payment fee as set forth in TMC 12.01.030.

(Ord. 28160 Ex. A; passed July 9, 2013; Ord. 28133 Ex. A; passed Feb. 26, 2013; Ord. 27778 Ex. A; passed Jan. 6, 2009; Ord. 27522 § 4; passed Aug. 29, 2006; Ord. 26800 § 4; passed Apr. 10, 2001; Ord. 26048 § 1; passed Mar. 25, 1997)

12.10.110 Turn-on and/or Unauthorized use.

A. If water service, with an established service account, is turned off by the Division for cause and later the water service to said premises is turned on without Division approval, upon discovery, a penalty of \$100 shall be assessed and said water service may be disconnected by the Division at the water main in the street.

B. Unauthorized use and/or tampering with any division appurtenance (except for fire hydrants which are covered in Section 12.10.305) may result in, a penalty of \$500 being assessed. If unauthorized use or tampering involves a water service and/or meter then said service may be disconnected by the Division at the water main in the street. Penalty is in addition to any fees for repair of damages as noted in Section 12.10.125.

Water service will not be reconnected in either subsection A or subsection B above until: (1) payment for all water consumed to date and the monthly meter charges as established or estimated by the division are made to the City; (2) the Division costs incurred related to disconnecting and reconnecting the service pipe are paid; and (3) the Division costs incurred related to repairing customer-caused damages are paid per Section 12.10.125.

(Ord. 27778 Ex. A; passed Jan. 6, 2009; Ord. 27570 § 2; passed Dec. 19, 2006; Ord. 27522 § 5; passed Aug. 29, 2006; Ord. 26800 § 5; passed Apr. 10, 2001; Ord. 26048 § 1; passed Mar. 25, 1997)

12.10.115 Turn-off, turn-on – Responsibility and liability.

The City shall not be liable for any damage to any person or property that may result from the turn-off or turn-on of the water service or from the service being left on when the premises may be unoccupied.

By requesting water service from the City, the customer assumes the responsibility for the flow and use of the water on his or her premises. Therefore, if water is desired to be turned off during remodeling, periods of freezing, or for other reasons, the customer agrees to turn off the water at the valve on his or her premises and the Division's turn-off valve shall not be relied upon for said purposes.

A customer's unpaid water service charges, penalties, and any cost to repair customer-caused damages to the water meter and appurtenances shall be paid at the time of application for turn-on, or a satisfactory arrangement for payment made with the City before water service to the premises is turned on.

(Ord. 26800 § 6; passed Apr. 10, 2001; Ord. 26048 § 1; passed Mar. 25, 1997)

12.10.120 Turn-off, turn-on – condemned buildings.

Whenever a premises supplied with water has been found by the appropriate authorities to be unsafe, dangerous to human life or unfit for human habitation, and notice of such finding has been received by the Division from said authorities, the Superintendent shall cause the domestic water service to such premises to be turned off. Water service to such premises shall not be restored until the owner and/or agent has secured a release or clearance from said authorities.

(Ord. 27570 § 3; passed Dec. 19, 2006; Ord. 26048 § 1; passed Mar. 25, 1997; Ord. 26048 § 1; passed Mar. 25, 1997)

12.10.125 Damage of water service installation or Division facilities.

The contract business partner will be liable to the Division for damages to the water service installation and any damages that are caused directly or indirectly as a result of its actions.

The cost to repair damages shall be paid prior to reconnection as set forth below:

	Effective 1/19/09
1" Meter & smaller	\$200
1-1/2" Meter & larger	Actual Cost (Time & Material)
Other than Meters (i.e. hydrant, main, blowoff)	Actual Cost (Time & Material)

(Ord. 27778 Ex. A; passed Jan. 6, 2009; Ord. 27570 § 4; passed Dec. 19, 2006: Ord. 27522 § 6; passed Aug. 29, 2006)

12.10.130 Termination of service.

Delinquency and nonpayment of one or more water service charges or customer-caused damage to the water meter and appurtenances shall be sufficient cause for termination of service by turning off the water service or reducing the flow of water to the premises. Water service shall not be turned on again until all costs incurred by the Division, plus charges and penalties are paid, or satisfactory arrangements for payment of delinquent charges and penalties has been made with the Division.

In accordance with Section 12.10.495, the Superintendent may discontinue water service to a customer determined to be in violation of the applicable provisions of the South Tacoma Groundwater Protection District (TMC 13.09).

Upon discovery of fraud, water service shall be terminated immediately and shall not be restored until the matter is resolved satisfactory to the Superintendent, or his or her designee.

All charges for water or water service shall be the personal obligation of the customer applying for or signing for and/or receiving such service and, in addition thereto, the City shall have all the lien rights granted by state laws against the premises where such service is furnished. The Superintendent shall have the absolute authority, except as limited by said state laws, to refuse to furnish service to, to discontinue service to, or to refuse to resume service to any applicant or customer on account of the failure to pay delinquent bills owing the City by such person, whether such bills cover service at the premises sought to be served or other locations.

In addition to the other authority in this chapter (or other laws) to discontinue water service or reduce flow to a customer, the Superintendent, or his or her designee, is hereby authorized to discontinue or reduce flow to a customer's premises when the customer fails to make a cash deposit or meet one of the authorized deposit waiver options with the City Treasurer as approved by Utility Board resolution.

Except as set forth in TMC 12.10.130 and 12.10.150, termination of water service to a premises shall not occur until:

1. The City has provided or attempted to provide the customer reasonable notice of the intent to terminate water service; and
2. The customer has been offered the opportunity of a hearing before a hearing officer, with the exception of Health Department directed orders which are undisputable.

Reasonable notice may be accomplished by mailing such notice to the customer using the United States Postal Service.

(Ord. 27570 § 5; passed Dec. 19, 2006: Ord. 27522 § 7; passed Aug. 29, 2006: Ord. 27299 § 2; passed Dec. 7, 2004: Ord. 27024 § 1; passed Dec. 10, 2002: Ord. 26800 § 7; passed Apr. 10, 2001: Ord. 26048 § 1; passed Mar. 25, 1997)

12.10.150 Interruption of service.

A. In case of emergency, risk of damage to property, either public or private, or whenever public health, safety, or equitable distribution or conservation due to water shortage demands, the Director or Superintendent may authorize the Division to change, reduce or limit the time for, or temporarily discontinue the use of water for any or all customers. The water service may also be temporarily interrupted during the time necessary for purposes of making repairs, extensions, or doing other necessary work on the system. Before so requiring the changing, reducing, limiting or temporary discontinuance of the use of water, the Division will attempt to notify, insofar as practicable, all water customers affected. The City shall not be responsible for any damage resulting from any interruption, change, or failure of the water supply.

B. The Public Utility Board is authorized to approve, adopt, and/or amend a Water Shortage Response Plan ("Plan") applicable to all classes of customers, which Plan is consistent with the standards in this section. Any person who violates the adopted Plan or directives issued pursuant to the Plan, including a wholesale customer who fails to adopt similar use limitations, shall be subject to immediate reduction or discontinuance of service by the Division without notice or a hearing opportunity. All Water Shortage Response Plans previously adopted by the Public Utility Board are hereby approved and ratified.

(Ord. 27522 § 8; passed Aug. 29, 2006: Ord. 27299 § 3; passed Dec. 7, 2004: Ord. 26800 § 7; passed Apr. 10, 2001: Ord. 26048 § 1; passed Mar. 25, 1997)

12.10.170 Ownership of water mains and appurtenances.

The Division shall own, operate, and maintain all Division approved and accepted water mains and related appurtenances in established city, county, and state rights-of-way or other utility rights-of-way, including recorded easements. Any person responsible for the construction of such mains and related appurtenances shall transfer ownership to the Division upon final acceptance. No one may operate, remove, change, or connect to any part thereof without the approval of the Division.

(Ord. 27778 Ex. A; passed Jan. 6, 2009; Ord. 27522 § 9; passed Aug. 29, 2006; Ord. 27299 § 4; passed Dec. 7, 2004; Ord. 26800 § 8; passed Apr. 10, 2001; Ord. 26048 § 1; passed Mar. 25, 1997)

12.10.180 Satellite system management.

The Division may operate and maintain private distribution mains and other water system components outside of its service area in conjunction with its own facilities, provided an approved agreement has been entered into between the Division and the owners of such mains and components.

(Ord. 26800 § 9; passed Apr. 10, 2001; Ord. 26048 § 1; passed Mar. 25, 1997)

12.10.200 Private contract charges.

Extension of a permanent water main may be constructed by private contract. The developer of the privately financed project will be responsible for all costs and expenses incurred by the Division for preparation of plans and specifications, construction inspection, testing, flushing, sampling of the mains, and other related work necessary to complete the new water main construction to Division standards and specifications. The engineering charge for the preparation of plans and specifications will be estimated by the Division and will include all applicable permit fees. The developer will be required to pay a deposit in the amount of the estimated cost and sign an agreement acknowledging that they are responsible to pay all actual time and materials costs associated with the project. The actual costs for the work will be billed against the developer's deposit. Should the actual costs for engineering the project exceed the deposit amount; the developer will be required to pay the balance prior to receiving the plans and specifications. Prior to construction, a second deposit in the estimated amount for construction inspection, testing, sampling and hydrant painting will be due to the Division. Upon completion of the project, the developer will either be refunded the unused amount of the deposit or billed for the cost overrun. Included in the deposits described above is a \$50 per fire hydrant in the project for painting.

The developer will be responsible for protecting Division facilities, including yokes and boxes, until final acceptance by the Division. After final acceptance of the project, the responsibility for the stub, yoke, box, and meter will belong to each property owner who will be charged accordingly for any damage.

(Ord. 27778 Ex. A; passed Jan. 6, 2009; Ord. 27522 § 10; passed Aug. 29, 2006; Ord. 27024 § 2; passed Dec. 10, 2002; Ord. 26048 § 1; passed Mar. 25, 1997)

12.10.220 Cross connections.

The installation or maintenance of any uncontrolled cross connection that may endanger the quality of the public water supply of the City is prohibited. Any such cross connection now existing or hereafter installed is hereby declared unlawful and shall be abated immediately. The control and/or elimination of cross connections shall be in accordance with the applicable sections of the Washington Administrative Code ("WAC") the Tacoma Municipal Code, and the Policies and/or procedures approved by the Division. Failure to comply with Division cross connection control requirements may result in a penalty of \$100 per occurrence, installation of an approved backflow prevention assembly at the water meter at the expense of the customer, and/or termination of water service. For purposes of this section, an occurrence is defined as failure to install, test, repair, and/or replace a required backflow prevention assembly upon written notification by the Division delivered by hand or registered mail. Responsibility for backflow assembly testing and payment of all penalties and/or fees are the responsibility of the customer receiving the water service. The Division will assign a test due date for each backflow prevention assembly and will make every effort to provide notice to the customer of the testing due date. Annual backflow assembly testing will be required by the Division established due date regardless of the actual date previous tests were performed.

(Ord. 27778 Ex. A; passed Jan. 6, 2009; Ord. 27522 § 11; passed Aug. 29, 2006; Ord. 26800 § 11; passed Apr. 10, 2001; Ord. 26048 § 1; passed Mar. 25, 1997)

12.10.250 Water service construction charges.

All water service installations shall be constructed by the Division. For all service installations, the owner or applicant shall pay in advance the fixed charge or a deposit in the amount of the Division's estimated cost for the proposed work. For all estimated work the requestor will be required to sign a time and materials agreement noting their acceptance of the responsibility to pay the actual charges. The amount charged for work performed on an estimated basis will be actual costs to the Division, including overhead cost of installation of Automated Meter Reading ("AMR") equipment when applicable. If the

actual cost is less than the estimated cost, the customer will be refunded the difference. Should the cost of the installation exceed the deposit amount, the additional amount will be billed to the customer that signed the time and materials agreement accepting the responsibility for actual charges. Failure to pay charges may result in, but not be limited to, termination of water service.

All required City, county, state, and/or other permits and fees are in addition to the charges listed below.

A. Water service construction charges on existing mains shall be as set forth below. In extraordinary circumstances where the Division determines that the fixed charges are not adequate to cover the actual costs, the water service construction charge will be based upon actual costs to the Division, including overhead and taxes.

	Effective 1/19/09
3/4-inch” Service & 5/8-inch” Meter	\$2,325
3/4-inch” Service & 3/4-inch” Meter	\$2,400
1-inch” Service & 5/8-inch” Meter	\$2,400
1-inch Service & 3/4-inch Meter	\$2,450
1-inch” Service & 1-inch” Meter	\$2,550
Meter exchange from 5/8” to 3/4”	\$625
Meter exchange from 3/4” to 5/8”	\$325

Service construction charges for services larger than 1-inch will be estimated based upon actual costs to the Division, including overhead. Service construction charges for water meters 3-inches and larger, or as required by the Division, will include the cost of installation of AMR equipment in accordance with the most current requirements. AMR is also required on all wholesale meters.

All services and meters applied for shall be installed within two years of the application. Those customers who have not requested their water service and meter be installed within the two-year period will be required to pay the difference in all current charges and the charges paid at time of application, including the system development charge (“SDC”).

Where a service stub was previously installed at the option of the Division, activation of that service shall require payment of all current fees and charges including service construction charge in effect at the time of application for service.

B. Installation of Services and Meters on New Mains. Domestic service for residential will require the installation of 3/4-inch services and 5/8-inch meters. The developer requesting services and meters for use other than domestic service for residential will be required to provide additional information on the proposed use. Plan review will be required to determine sizing requirements.

Stub Only	Effective 1/19/09
a. 3/4-inch Service stubs installed after successful samples and pressure tests.	\$750/service
b. 1-inch Service stubs installed after successful samples and pressure tests.	\$800/service
Meter, Yoke and Box	Effective
a. 5/8-inch Meter, yoke and box installed when requested.	\$400/meter plus the SDC
b. 3/4-inch Meter, yoke and box installed when requested.	\$450/meter plus the SDC
Meter Only	Effective 1/19/09
a. 5/8-inch Meter installed when requested	\$175/meter plus the SDC
b. 3/4-inch Meter installed when requested.	\$225/meter plus the SDC

(Ord. 27778 Ex. A; passed Jan. 6, 2009; Ord. 27570 § 6; passed Dec. 19, 2006; Ord. 27522 § 12; passed Aug. 29, 2006; Ord. 27299 § 5; passed Dec. 7, 2004; Ord. 27024 § 5; passed Dec. 10, 2002; Ord. 26800 § 12; passed Apr. 10, 2001; Ord. 26048 § 1; passed Mar. 25, 1997)

12.10.275 Property-side (private) in public rights-of-way.

A. When a customer requests a service and meter installation for a property not abutting a water main and the public entity having jurisdiction over the right-of-way does not allow privately owned water lines in the right-of-way then the customer must obtain easements from the adjacent property owners for installation of their property side pipe. Recorded copies of said easements must be provided to the Division before installation of the requested service and meter can occur.

Where a public entity requires that a customer’s existing property-side (private) pipes be removed from public rights-of-way, the following four options are available to the customer:

1. The customer may arrange for a private contractor to install a new water main in the right-of-way using the private contract process noted in Section 12.10.200. The main would be designed by the Division and installed by the contractor, at the expense of the customer. Following the construction of the water main in the right-of-way, the customer’s service and meter will be transferred to the new main at no charge.
2. The customer may organize with adjacent property owners to form a Local Improvement District (“LID”) to install a new water main in the right-of-way. The design and construction process is similar to Option 1 above, but the project is financed and repaid over time through the Division, through the LID process.
3. The customer may obtain easements from adjacent property owners to allow relocation of its property-side (private) pipes out of the right-of-way into the easement obtained. In this option, the customer must provide verification to the Division that the easement has been recorded prior to the installation of the service and meter.
4. The Customer may arrange for the Division to design and install the necessary water main and appurtenances using the time and materials process. The Division will estimate all costs associated with design and construction of the proposed water main and appurtenances and the customer will be required to make a deposit in the estimated amount. If the final costs are more than the estimate the customer will be required to pay the balance, if the costs are less the difference will be refunded.

(Ord. 27778 Ex. A; passed Jan. 6, 2009; Ord. 27570 § 7; passed Dec. 19, 2006: Ord. 27522 § 13; passed Aug. 29, 2006)

12.10.300 Fire hydrant installation and relocation.

Fire hydrant installation and/or relocation shall be performed by the Division at the customer’s expense. A deposit shall be paid to the Division in the amount of the Division's estimate of the cost to install or relocate a fire hydrant. If the actual cost is less than the estimated cost, the customer will be refunded the difference. Should the cost of installation exceed the deposit amount, the customer will be billed the additional amount.

All costs to acquire the necessary City, county, state, and/or other permits to accomplish the installation or relocation are in addition to the above costs.

(Ord. 27522 § 14; passed Aug. 29, 2006: Ord. 27299 § 6; passed Dec. 7, 2004: Ord. 27024 § 4; passed Dec. 10, 2002: Ord. 26800 § 13; passed Apr. 10, 2001: Ord. 26048 § 1; passed Mar. 25, 1997)

12.10.301 Fire hydrant services fee (inside City of Tacoma).

Pursuant to Chapter 70.315 of the Revised Code of Washington, the Water Division will charge and collect all costs associated with providing fire hydrant services inside the City of Tacoma from the City of Tacoma general government and the customers, “Residential Service,” “Commercial and Industrial – General Service,” and “Commercial and Industrial – Large Volume Service” rate categories, located inside the City following the rate schedules below:

Monthly Hydrant Service Fee		
	Commencing	
	4/1/15	1/1/16
City of Tacoma General Government	\$134.67 per hydrant located inside the city limits of Tacoma.	\$0.00

The City of Tacoma General Government portion of the fire hydrant service fee shall be calculated on a per-hydrant basis and invoiced and collected monthly, and the General Government portion of the fee will terminate effective January 1, 2016.

Monthly Hydrant Service Fee		
	Commencing	
	4/1/15	1/1/16
Inside City of Tacoma Customer	\$1.11	\$2.24

The inside City of Tacoma customer portion of the fire hydrant service fee shall be calculated on a monthly basis, invoiced and collected pursuant to the applicable customer service policies.

(Ord. 28286 Ex. A; passed Mar. 17, 2015: Ord. 28133 Ex. A; passed Feb. 26, 2013: Ord. 27970 Ex. A; passed Feb. 1, 2011)

12.10.302 System capacity flow testing.

To determine the capacity of a water system at a particular location for the purpose of a supply for automatic fire sprinkler systems or for other reasons, the Division can conduct a fire flow test using two (2) or more fire hydrants. The fire flow test shall be conducted by the Division upon request and after payment of a fee in the amount of \$350. The fee shall cover the cost of performing the flow test and any necessary system cleanup created by the increased water velocities during the test.

(Ord. 27778 Ex. A; passed Jan. 6, 2009; Ord. 27522 § 15; passed Aug. 29, 2006)

12.10.303 Franchise hydrant service fee.

Pursuant to the Washington State Supreme Court decision in City of Tacoma v. City of Bonney Lake, 173 Wn.2d 584 (2012) and Chapter 70.315 of the Revised Code of Washington, all costs associated with providing fire hydrant services in areas served through franchise agreements or other contract shall be charged and collected from ratepayers in these areas as a cost of doing business. Only those customers in the “Residential Service,” “Commercial and Industrial – General Service,” and “Commercial and Industrial – Large Volume Service” rate categories will be charged for these services. The total costs owed shall be calculated on a biennial basis as part of the Water Division’s approved budget and distributed to customers via a monthly service fee. The service fee is composed of two components:

1. a “historical service component” that is a temporary amortized recovery of historical service provided but not previously billed to customers outside the City of Tacoma during the time the City of Tacoma v. City of Bonney Lake case was litigated, with said component applying only to customers in the affected areas outside the City of Tacoma; and
2. an “ongoing service component.”

Monthly Franchise Hydrant Service Fee (Historical Service Component)		
	Commencing	
	4/1/15	1/1/16
Outside City, other contract	\$1.90	\$1.90
Fircrest Franchise	\$1.90	\$1.90
Lakewood, Puyallup, and University Place Franchises	\$1.90	\$1.90

Monthly Franchise Hydrant Service Fee (Ongoing Service Component)		
	Commencing	
	4/1/15	1/1/16
Outside City, other contract	\$2.90	\$2.90
Fircrest Franchise	\$2.90	\$2.90
Lakewood, Puyallup, and University Place Franchises	\$2.90	\$2.90

(Ord. 28286 Ex. A; passed Mar. 17, 2015; Ord. 28133 Ex. A; passed Feb. 26, 2013)

12.10.305 Fire hydrant use (non-fire fighting).

When water service is supplied through the use of a fire hydrant, other than for fire fighting, the proposed use must be disclosed and a permit must be obtained from the Division authorizing the hydrant use. A charge for all costs associated with hydrant and water usage shall be collected by the Division. A fire hydrant meter or a water service and meter may be required under certain circumstances as determined by the Division.

The use of the Division’s hydrant without a current permit, using a restricted hydrant or failing to conform to the Division’s hydrant operating procedures will result in a penalty of \$1,000 in addition to all other hydrant use charges. Refusal to pay the penalties and charges may be cause for the Division to refuse future hydrant use by the violator and/or discontinue service to the benefited premises.

Persons using a fire hydrant will be responsible for all damages to Division facilities and/or other private facilities that may result from the use of said hydrant. If the person refuses to pay the cost for all damages associated with fire hydrant use, the Division may refuse future service to the customer and/or discontinue water service to the benefited premises.

Applications for fire hydrant use for periods greater than six consecutive months for the purpose of supplying water to a business may require the business to purchase a water service connection of adequate size to accommodate the proposed water

usage as determined by the Division. Water service construction charges, SDC, and main charges shall be as specified in TMC 12.10.250, 12.10.310, and 12.10.315.

Fire hydrant use permits in Category 1 and 2 are good for a maximum of one year or until the backflow protection documentation expires, whichever comes first. Upon expiration a new permit application will be required and a new permit fee is due. Hydrant Permit charges will be as follows:

HYDRANT USE CATEGORY AND FEE SCHEDULE

Category	Fee
Category #1 ** Fixed (Single) Site Construction Project	Permit Fee \$100
	Meter Deposit for Hydrant \$1,000* Permittee is required to submit meter reads on a monthly basis. Monthly Water Use Charge at the Inside/Outside Commercial Rate plus the Ready to Serve Charge for a 2-Inch Meter Penalty for Unauthorized Use \$1,000
*Deposit to be refunded by the Division after return of the meter and appurtenances. All costs for hydrant and/or meter repairs/replacement caused by improper operation or theft of said equipment shall be deducted from the deposit. Refund of deposit will be initiated after payment of closing/final water bill. Costs exceeding the deposit amount will be billed to customer. ** Subcontractor would be allowed to use same permit as general contractor provided subcontractor meets all cross-connection requirements and name is disclosed at issuance of permit.	
Category #2 *Multiple-Site Hydrant Use (Approved Hydrant Locations)	Permit Fee \$100
	Monthly Water Use Charge at the Inside/Outside Commercial Rate (based on estimated consumption**) plus the Ready to Serve Charge for a 2-inch Meter Penalty for Unauthorized Use \$1,000
*Subcontractor would be allowed to use same permit as general contractor provided subcontractor meets all cross-connection requirements and name disclosed at issuance of permit. **Both general and subcontractors are required to submit a monthly log sheet of estimated water consumption per truck	
Category #3	
Short-Term (one day and minimal) Use	\$50 per truck per day* Penalty for Unauthorized Use \$1,000
*Approved hydrant only	

A Division-approved backflow protection assembly shall be installed by the person requesting the use of a fire hydrant. The assembly shall be accompanied by a current backflow assembly test report. The test report shall remain on the site for the duration of the hydrant use. The Division reserves the right to terminate any hydrant permit at any time for security and/or water quality control reasons.

(Ord. 27778 Ex. A; passed Jan. 6, 2009; Ord. 27522 § 16; passed Aug. 29, 2006; Ord. 27299 § 7; passed Dec. 7, 2004; Ord. 27024 § 5; passed Dec. 10, 2002)

12.10.310 System development charge (“SDC”).

A. A system development charge (“SDC”) shall be levied for each new water service connection to the City water system, for a service upgrade requiring a larger meter, or for any existing service with 3-inch and larger meters that exceeds 150 percent of their highest maximum annual daily average water use. The SDC fee is based on an equitable share of the cost of the entire existing water system and future facilities necessary to accommodate projected growth. This fee is established pursuant to RCW 35.92.025, the City Charter, and this chapter. SDCs are considered contributions for or in aid to construction, and shall be accounted for accordingly. Customer water consumption amounts on and after May 9, 1999, the original effective date of Ordinance No. 26408, will be examined to determine whether additional SDC amount is owed to the Department.

B. For retail meters 5/8-inch through 2-inches, the charge will be based on customer class and meter size.

For meters larger than 2-inches, the SDC shall be determined based on the customer’s anticipated water use as shown below:

Meter Size	Inside City Residential Charges		Inside City Commercial/Industrial Charges	
	Effective			
	1/1/03	1/1/04	1/1/03	1/1/04
5/8-inch	\$1,443	\$1,485	\$1,928	\$1,984
3/4-inch	2,166	2,229	2,894	2,978
1-inch	3,610	3,715	4,823	4,963
1-1/2-inch	7,218	7,427	9,647	9,927
2-inch	11,548	11,883	15,433	15,881
3-inch & Larger	Individually calculated based on consumption			

Meter Size	Outside City Residential Charges		Outside City Commercial/Industrial Charges	
	Effective			
	1/1/03	1/1/04	1/1/03	1/1/04
5/8-inch	\$1,732	\$1,782	\$2,315	\$2,382
3/4-inch	2,599	2,674	3,473	3,574
1-inch	4,330	4,456	5,786	5,954
1-1/2-inch	8,661	8,912	11,575	11,911
2-inch	13,860	14,262	18,520	19,057
3-inch & Larger	Individually calculated based on consumption			

The SDC for a multiple family dwelling unit arrangement to be served by a single meter shall be calculated by taking the number of units in the premise and multiplying by 60 percent of the SDC for a single-family dwelling (5/8-inch meter) . If said premise chooses in the future to separately meter each premise the additional 40 percent of the SDC for a single-family dwelling (5/8-inch meter) shall be due and payable at

For meters 3-inches and larger, estimates of anticipated average day use, peak day, and four-day maximum water use will be determined by the Division. Peak day is defined as the maximum 24-hour use during summer months of June through, and including, September. Four-day maximum use is defined as the average use per day of the four highest consecutive days of the customer’s water use in the summer months. For inside City customers, the average day SDC cost is \$2.64/gallon (effective 1/1/04). The peak day SDC cost is \$0.28/gallon (effective 1/1/04). The four-day maximum SDC cost is \$2.36/gallon (effective 1/1/04). For outside City customers, the average day SDC cost is \$3.17/gallon (effective 1/1/04). The peak day SDC cost is \$0.34/gallon (effective 1/1/04). The four-day maximum SDC is \$2.83/gallon (effective 1/1/04).

The SDC will be the sum of the average day use multiplied by the average day cost/gallon, the peak day use minus average day use multiplied by the peak day cost/gallon, and the four-day maximum use minus average day use multiplied by the four-day maximum cost/gallon.

As of April 23, 2001, the SDC paid for meters 3-inches and larger will be adjusted annually based on actual usage. If usage is greater than 110 percent of the anticipated average, peak day or four-day maximum use during a 12-month period of time, an additional SDC will be charged, using the same methodology for calculating average day, peak day, and four-day maximum water use and multiplying by the respective SDC cost per gallon in effect at the time of adjustment. This requirement for an additional SDC may be waived upon satisfactory demonstration by the customer that the increased water use was temporary in nature and will return to the originally anticipated level.

C. SDC Exemptions:

1. New water service connections dedicated exclusively for fire protection purposes shall be exempt from payment of the SDC. The conversion of a dedicated fire service to a service for use other than exclusively for fire protection shall require the payment of the SDC as provided for in subsection B above.

2. The Division requires that all new single family dwelling residential combination domestic/fire sprinkler service and meters be served by a 1-inch service and 3/4-inch meter. If a larger size meter is required for fire protection the customer must install separate fire service and domestic services. The customer is required to pay all fees to construct said 1-inch service and 3/4-inch meter and all applicable main charges. When such use is documented through the plan review process, the SDC for a 5/8-inch meter will apply. The monthly customer charge will be at the standard charge for a 3/4-inch meter as set forth in TMC 12.10.400.

3. If a residential customer has an existing 3/4-inch x 5/8-inch service and meter an exchange to a 3/4-inch meter will be allowed if the customer's fire protection engineer determines it will provide adequate flow. All applicable fees will apply. If flow tests after the meter exchange show inadequate flow the customer will be required to pay the additional fees to retire the 3/4" service and install a new 1" service. Residential customers requesting an upgrade to an existing meter to a 3/4-inch meter for a combination domestic/fire sprinkler service will be exempt from payment of the additional SDC when such use is approved through the plan review process. The monthly customer charge will be at the standard charge for a 3/4-inch meter as set forth in TMC 12.10.400.

4. Customers who are requesting a separate water service connection and are being provided with water service by way of another Division customer (i.e., multi-premises connection), shall be exempt from payment of the SDC if:

Billing record exists showing multi-premise rate for each premise on meter.

All premises served by meter of record were constructed prior to October 7, 1991.

D. Existing Facilities:

1. Multiple dwelling unit arrangements currently being served by a single meter shall be exempt from payment of the SDC when changing to separate water service connections for each unit if the original meter was installed prior to October 7, 1991. If the existing meter was installed after October 7, 1991, the customer will be required to pay the 40 percent differential for each individual meter installed as noted in B above.

E. Credit policy for retail customers previously or currently metered:

1. When a request or requirement for a larger meter is made, an SDC credit for the existing meter will be made. The credit for meters up to 2-inches will be the current published SDC amount using the rate in place prior to the requested or required up-sizing. For meters 3-inches and larger, the credit would be calculated based on 150 percent of the highest maximum annual daily average water use derived from billing records. If billing records are not available for a specific meter, the SDC credit calculation will be based on a system-wide use data for that size meter.

2. For situations where meters 3-inches or larger exist and water use will increase, but no change in the meter is required, an SDC will not be required unless the projected use is more than 150 percent of historical use. If the projected use exceeds the 150 percent historical use quantity, an SDC will be calculated for the quantity of water in excess of the 150 percent figure. Prior written commitments to deliver a specific quantity of water, if greater than 150 percent of historical use, will be honored.

3. Credit shall be given for inactive or previously removed meters that can be verified by Division records. The credit will be determined as stated in subsection E.1 above.

Multiple dwelling unit arrangements – Credit for existing multiple dwelling unit meters shall be calculated at 60 percent of the applicable 5/8-inch meter rate per unit and applied to the required SDC if previously served by a single meter.

4. Credits as computed will be subtracted from the determined SDC amount. If an available credit exceeds the SDC amount, the balance shall remain with the parcel previously receiving water service. No refunds shall be allowed for the amount of this credit.

5. All SDC credits are non-transferable unless parcels are combined to facilitate redevelopment.

6. This section is not applicable to RockTenn's existing services.

F. For wholesale meters, as sized by the Division, the SDC will be determined based on the customer's anticipated water use.

1. Estimates of anticipated average day use, peak day, and four-day maximum water use will be submitted to and approved by the Division. Peak day is defined as the maximum 24-hour use during summer months of June through, and including, September. Four-day maximum use is defined as the average use per day of the four highest consecutive days of water use in the summer months. The average day SDC cost is \$3.17/gallon (effective 1/1/04). The peak day SDC cost is \$0.34/gallon (effective 1/1/04). The 4-day maximum SDC cost is \$2.83/gallon (effective 1/1/04).

The SDC will be the sum of the average day use multiplied by the average day cost/gallon, the peak day use minus average day multiplied by the peak day cost/gallon, and the four-day maximum use minus average day multiplied by the four-day maximum cost/gallon.

The SDC, as of the effective date of this ordinance, will be adjusted annually based on actual usage. If usage is greater than 110 percent of the anticipated average, peak day or four-day maximum use during a 12-month period of time, an additional SDC may be charged using the same methodology for calculating average day, peak day, and four-day maximum water use and multiplying by the respective SDC cost per gallon in effect at the time of adjustment. This requirement for an additional SDC may be waived upon satisfactory demonstration by the customer that the increased water use was temporary in nature and that water use will return to the originally anticipated level.

2. For situations where an existing wholesale customer is increasing its purchase of water, SDC credit for existing service will be based on either maximum historic use or prior written commitments to deliver a specific quantity of water, whichever is greater.

G. SDCs for meters 2-inches and smaller are payable in full at the time the meter installation is requested. Time payments will be allowed for SDCs for meters 3-inches and larger, for up to ten years, at the discretion of the customer, as follows:

1. When a down payment of 20 percent or more is initially paid, the Division will accept annual payments, with interest, on the unpaid balance calculated using the then current prime rate of interest less 2 percent.
2. When a down payment of at least 10 percent, but less than 20 percent, is initially paid, the Division will accept annual payments, with interest, on the unpaid balance calculated using the then current prime rate of interest.
3. The time payment agreements shall provide that this obligation constitutes a lien on the benefited premises and that the City has the right to terminate water service for any nonpayment of the amounts due on the outstanding balance. In addition, unless the customer is a financially stable public entity, the customer shall be required to provide security such as a financial guarantee bond to guarantee payment of the SDC or make incremental prepayments of the SDC plus interest on the balance of the outstanding total amount of the SDC.

H. Rate Adder to Recover Capital Costs Not Covered by the SDC. In addition to paying the SDC set forth in this section, a customer who proposes to use water for a new or enlarged power plant, and who does not use best available water conservation technology (BAWCT), shall be required to pay, in addition to the applicable water rate, an adder to such rate in accordance with the Division’s Customer Service Policy for New Power Plants. The adder shall be calculated to recover over a period of 20 years a portion of the capital costs that are not covered by the SDC for such customer. This present value of the adder (spread over 20 years) will be equivalent to an SDC on that portion of the customer’s water consumption that is in excess of the amount of water the customer would have consumed had BAWCT been used. Said customers shall also be required to enter into a water service agreement with the Division, and such agreement shall be submitted to the Public Utility Board for approval.

(Ord. 28286 Ex. A; passed Mar. 17, 2015; Ord. 27778 Ex. A; passed Jan. 6, 2009; Ord. 27570 § 8; passed Dec. 19, 2006; Ord. 27522 § 17; passed Aug. 29, 2006; Ord. 27299 § 8; passed Dec. 7, 2004; Ord. 27024 § 6; passed Dec. 10, 2002; Ord. 26872 § 1; passed Nov. 6, 2001; Ord. 26800 § 14; passed Apr. 10, 2001; Ord. 26408 § 1; passed Apr. 27, 1999; Ord. 26048 § 1; passed Mar. 25, 1997)

12.10.315 Water main charge.

Where all or a portion of the premises to be served has not been previously assessed or contributed its share towards the cost of installing a permanent distribution main to serve such premises, or the property does not abut a distribution water main, water service shall be provided upon payment of a water main charge as provided for in this section, in addition to a water service construction charge, in accordance with TMC 12.10.250 and the SDC in accordance with TMC 12.10.310.

If the main is a temporary main and is not acceptable for meeting the water requirements of the customer, the service will be installed and connected to the nearest water main that is acceptable in accordance with TMC 12.10.350, Water main charge - Premises not abutting a water main. If the temporary main is a supply or transmission pipeline, the water service will be installed in accordance with the Customer Service Policies (Direct Service From Supply and Transmission Pipelines).

Credit shall be given for the portion of the property which has been previously assessed or has contributed its share toward the cost of installing a permanent water main. Water main charge shall be based on the frontage of the property served, as determined by the Division, in accordance with the following schedule and subject to the following terms and conditions:

A. Residential Service.

The water main charge shall be based on the frontage of the property served. The minimum charge shall be based on 50 front feet and the maximum charge on 100 front feet.

Commencing 1/1/07
\$50/per front foot

B. Commercial Service.

Where the property is zoned for the same, the water main charge shall be based on the entire frontage of the property served. The minimum charge shall be based on 50 front feet.

Commencing 1/1/07
\$50/per front foot

C. Industrial Service.

Where the property is zoned for the same, the water main charge shall be based on the entire frontage of the property served. The minimum charge shall be based on 50 front feet.

Commencing 1/1/07
\$55/per front foot

D. Water main charges for services abutting a permanent main shall be considered revenue of the Division.

The water main charge herein above provided for shall be credited to and considered as a benefit to the specific property served by said connection. Said property so benefited shall be described and recorded as a part of the Division's permanent records pertaining thereto.

(Ord. 27778 Ex. A; passed Jan. 6, 2009; Ord. 27522 § 18; passed Aug. 29, 2006: Ord. 27299 § 9; passed Dec. 7, 2004: Ord. 26800 § 14; passed Apr. 10, 2001: Ord. 26048 § 1; passed Mar. 25, 1997)

12.10.350 Premises not abutting a permanent water main.

Where the premises to be served is not abutting a permanent water main (as described in the Customer Services Policies) and said premises owner has not previously paid a water main charge, the water service connection will be constructed by the Division to the nearest available temporary or permanent water main that is acceptable for meeting the water requirements of the customer upon application and payment of a temporary water main charge as provided for in TMC 12.10.315 in addition to a service construction charge, in accordance with TMC 12.10.250 and the SDC in accordance with TMC 12.10.310. The water main charge shall be paid to the Division in accordance with and subject to the same terms and conditions as detailed in TMC 12.10.315 above.

All water main charges received where no main abuts subject parcel shall be deposited by the City in the Water Main Deposit Fund and shall be credited to and considered as a benefit to the specific property served by said connection. The property so benefited shall be legally described and recorded as part of the Division's permanent records pertaining thereto.

When a public road is improved or resurfaced by a person where there is currently no water main or said public road has a temporary water main as defined in the Customer Service Policies, it shall be the person's responsibility to extend the water main/system to the extent of the road improvements or to a point that meets the approval of the Division. Said water main/system may be extended using the private contract process, TMC 12.10.200, or by the LID process as set forth in RCW 35.44, and Division standards.

If a permanent water main exists or is being constructed between the existing service and the specific benefited property, said service may be relocated to the permanent main at a point closer to the benefited property at no charge, provided the owner reroutes its property-side water pipe between the new meter location and the property.

Upon the installation of permanent mains, the main charge collected by the City shall be applied toward the payment for said mains for the benefit of the properties in accordance with Division records. The temporary water service will be relocated by the Division to the permanent main abutting the benefited property at no charge. The owner must reroute its property-side water pipe between the new meter location and the property and make the connection. If the property owner does not agree to relocate its property-side water pipe at the time of main installation and requests a service relocation at a later date, the work will be done at the expense of the property owner.

(Ord. 27522 § 19; passed Aug. 29, 2006: Ord. 27299 § 10; passed Dec. 7, 2004: Ord. 26800 § 15; passed Apr. 10, 2001: Ord. 26048 § 1; passed Mar. 25, 1997)

12.10.400 Rates – Inside and outside City limits.

The standard charge for water supplied inside and outside the City for residential, commercial/industrial, parks and irrigation, and public facilities use shall consist of a customer charge, also termed a "monthly ready to serve charge," based on the meter size together with the rate for the quantity of water used.

For water supplied to a single premises which contains multiple dwelling units, i.e., two or more houses under the same ownership, duplexes, apartment buildings, condominiums, mobile home parks, trailer courts, industrial buildings, etc., the monthly charges will be the same as indicated above.

When water is being supplied to an existing multiple premises, i.e., two or more separate premises being served by one service and meter, the “monthly ready to serve charge” will be based on either the existing meter size or on a 5/8-inch meter size for each premises served, whichever is the greater charge.

When more than one service supplies a premises, the consumption of water for each meter shall be computed separately.

A. Standard charges:

1. The monthly ready to serve charge shall be in accordance with the following schedule for residential, commercial/industrial, commercial/industrial large volume, parks and irrigation, public facilities, and wholesale service.

Ready to Serve Charge				
Meter Size (Inches)	Inside Commencing		Outside Commencing	
	4/1/15	1/1/16	4/1/15	1/1/16
5/8	\$19.60	\$20.38	\$23.52	\$24.46
3/4	\$29.40	\$30.57	\$35.28	\$36.68
1	\$49.00	\$50.95	\$58.80	\$61.14
1.5	\$98.00	\$101.90	\$117.60	\$122.28
2	\$156.80	\$163.04	\$188.16	\$195.65
3	\$294.00	\$305.70	\$352.80	\$366.84
4	\$490.00	\$509.50	\$588.00	\$611.40
6	\$980.00	\$1,019.00	\$1,176.00	\$1,222.80
8	\$1,568.00	\$1,630.40	\$1,881.60	\$1,956.48
10	\$2,254.00	\$2,343.70	\$2,704.80	\$2,812.44
12	\$3,307.50	\$3,439.13	\$3,969.00	\$4,126.96

2. The schedule of rates for water used shall be as follows and billed to the nearest CCF (100 cubic feet or approximately 748 gallons):

Residential Service				
Range in CCF (100 cubic feet)	Rate per CCF			
	Inside Commencing		Outside Commencing	
	4/1/15	1/1/16	4/1/15	1/1/16
For each CCF of water consumption during the winter months of October through and including May	\$1.645	\$1.756	\$1.974	\$2.107
For the first five CCF of water consumption per month during the summer months of June through and including September	\$1.645	\$1.756	\$1.974	\$2.107
For each CCF of water consumption over five CCF during the summer months of June through and including September	\$2.056	\$2.195	\$2.468	\$2.634

Commercial and Industrial - General Service				
Range in CCF (100 cubic feet)	Rate per CCF			
	Inside Commencing		Outside Commencing	
	4/1/15	1/1/16	4/1/15	1/1/16
For each CCF of water consumption	\$1.817	\$1.945	\$2.180	\$2.334

Commercial and Industrial - Large Volume Service. Customers may qualify for this rate based on an established consumption history greater than 65,000 CCF annually.				
Range in CCF (100 cubic feet)	Inside Commencing		Outside Commencing	
	4/1/15	1/1/16	4/1/15	1/1/16
	For each CCF of water consumption	\$1.510	\$1.557	\$1.812

Parks and Irrigation Service				
Range in CCF (100 cubic feet)	Inside Commencing		Outside Commencing	
	4/1/15	1/1/16	4/1/15	1/1/16
	For each CCF of water consumption	\$2.586	\$2.769	\$3.103

B. Schedule of charges within the City of Fircrest:

1. The monthly ready to serve charge shall be in accordance with the following schedule for residential, commercial/industrial, commercial/industrial large volume, parks and irrigation, public facilities, and wholesale service.

Ready to Serve Charge - Fircrest		
Meter Size (Inches)	Commencing	
	4/1/15	1/1/16
5/8	\$24.30	\$24.46
3/4	\$36.44	\$36.68
1	\$60.74	\$61.14
1.5	\$121.48	\$122.28
2	\$194.37	\$195.65
3	\$364.44	\$366.84
4	\$607.40	\$611.40
6	\$1,214.81	\$1,222.80
8	\$1,943.69	\$1,956.48
10	\$2,794.06	\$2,812.44
12	\$4,099.98	\$4,126.96

2. The schedule of rates for water used shall be as follows and billed to the nearest CCF (100 cubic feet or approximately 748 gallons):

Residential Service - Fircrest		
	Rate per CCF	
Range in CCF (100 cubic feet)	Commencing	
	4/1/15	1/1/16
For each CCF of water consumption during the winter months of October through and including May	\$2.039	\$2.107
For the first five CCF of water consumption per month during the summer months of June through and including September	\$2.039	\$2.107
For each CCF of water consumption over five CCF during the summer months of June through and including September	\$2.549	\$2.634

Commercial and Industrial - General Service - Fircrest		
	Rate per CCF	
Range in CCF (100 cubic feet)	Commencing	
	4/1/15	1/1/16
For each CCF of water consumption	\$2.252	\$2.334

Commercial and Industrial - Large Volume Service - Fircrest. Customers may qualify for this rate based on an established consumption history greater than 65,000 CCF annually		
	Rate per CCF	
Range in CCF (100 cubic feet)	Commencing	
	4/1/15	1/1/16
For each CCF of water consumption	\$1.872	\$1.868

Parks and Irrigation Service - Fircrest		
	Rate per CCF	
Range in CCF (100 cubic feet)	Commencing	
	4/1/15	1/1/16
For each CCF of water consumption	\$3.206	\$3.323

C. Schedule of charges within the cities of Lakewood, Puyallup and University Place:

1. The monthly ready to serve charge shall be in accordance with the following schedule for residential, commercial/industrial, commercial/industrial large volume, parks and irrigation, public facilities, and wholesale service.

Ready to Serve Charge – Lakewood, Puyallup and University Place		
Meter Size (Inches)	Commencing	
	4/1/15	1/1/16
5/8	\$24.92	\$24.46
3/4	\$37.37	\$36.68
1	\$62.29	\$61.14
1.5	\$124.58	\$122.28
2	\$199.32	\$195.65
3	\$373.73	\$366.84
4	\$622.88	\$611.40
6	\$1,245.75	\$1,222.80
8	\$1,993.20	\$1,956.48
10	\$2,865.23	\$2,812.44
12	\$4,204.41	\$4,126.96

2. The schedule of rates for water used shall be as follows and billed to the nearest CCF (100 cubic feet or approximately 748 gallons):

Residential Service – Lakewood, Puyallup, and University Place		
Range in CCF (100 cubic feet)	Rate per CCF	
	Commencing	
	4/1/15	1/1/16
For each CCF of water consumption during the winter months of October through and including May	\$2.091	\$2.107
For the first five CCF of water consumption per month during the summer months of June through and including September	\$2.091	\$2.107
For each CCF of water consumption over five CCF during the summer months of June through and including September	\$2.614	\$2.634

Commercial and Industrial - General Service – Lakewood, Puyallup, and University Place		
Range in CCF (100 cubic feet)	Rate per CCF	
	Commencing	
	4/1/15	1/1/16
For each CCF of water consumption	\$2.310	\$2.334

Commercial and Industrial - Large Volume Service - Lakewood, Puyallup, and University Place. Customers may qualify for this rate based on an established consumption history greater than 65,000 CCF annually		
Range in CCF (100 cubic feet)	Commencing	
	4/1/15	1/1/16
For each CCF of water consumption	\$1.919	\$1.868

Parks and Irrigation Service – Lakewood, Puyallup, and University Place		
Range in CCF (100 cubic feet)	Commencing	
	4/1/15	1/1/16
For each CCF of water consumption	\$3.287	\$3.323

D. Public Facilities Service. Whenever water is provided for public use, such as fountains, rest rooms, or other publicly owned facilities, it shall be metered and charged for at the regular rates as prescribed under Commercial/Industrial or Parks and Irrigation, depending on the type and location of use.

E. Wholesale Service. Wholesale water service may be provided to community water systems that are in compliance with state Department of Health regulations. All wholesale water agreements are subject to Tacoma Public Utility Board approval. Any customer purchasing wholesale water must adopt or commit, in writing, to a water conservation and water shortage response program substantially equivalent to the Division's program as a condition of service.

1. Water Rates. A wholesale water service customer may choose, in writing, one of two available rate schedules for each meter in service, either the constant use schedule or the summer peaking schedule. Both of these rate schedules shall consist of the ready to serve charge based on the meter size, together with a rate for water used as shown below:

a. Constant Use Customer:

Wholesale Constant Use Customer		
	Rate per CCF	
Range in CCF (100 cubic feet)	Commencing	
	4/1/15	1/1/16
Per CCF for winter months (October - May)	\$2.112	\$2.112
Per CCF for summer months (June - September)	\$2.640	\$2.640

This option may be considered by those customers using water on a year-round basis where their average summer day use divided by their average winter day use results in a summer/winter use ratio of 2.5 or less.

b. Summer Season, Peaking:

Wholesale Summer Season, Peaking		
	Rate per CCF	
Range in CCF (100 cubic feet)	Commencing	
	4/1/15	1/1/16
For each CCF of water consumption	\$3.960	\$3.960

This option will be used for those customers using relatively large amounts of water in the summer months and little or no water in winter months. The ratio of average summer day use divided by average winter day use shall be greater than 2.5.

For purposes of these rates, summer-use months are defined as June through September and winter-use months are October through May.

Existing customers will be classified into one of the two rate schedules upon annual review of their usage patterns. New customers will select a rate based upon anticipated use. This selection will be subject to revision if usage is not consistent with the above options after a six-month period.

2. Additional Water. Additional or new water may be provided by the City to a wholesale customer conditioned upon satisfying the following:

- a. For every new customer of the wholesale customer that is provided with water from City’s surplus supply, the wholesale customer shall remit to the City (on a monthly basis or by other arrangement as agreed to by the Superintendent) the appropriate SDC for said customer based on meter size in accordance with TMC 12.10.310.
- b. That, in lieu of satisfying subsection A above, in the event the wholesale customer is in a water deficient status or later becomes water deficient as determined by the Superintendent in consultation with wholesale customer, then the Superintendent shall establish a SDC equivalent for said wholesale customer. This SDC equivalent shall not be less than what the total “retail customer equivalent” would have been for the total deficiency.
- c. That the City and wholesale customer shall enter into a letter agreement setting forth the above requirements and committing the wholesale customer to remit the SDC payment to City. The wholesale customer may be required to provide City with periodic reports, certified to be accurate, detailing pertinent data.

F. Emergency Intertie Service. Requests for one-way and two-way emergency intertie service between the City and another purveyor will be considered.

The Superintendent may enter into specific agreements, specifying the terms under which water will be furnished or accepted by the Division. Water furnished to a purveyor through an emergency intertie service will be billed as a wholesale service with a ready to serve charge and rate for water used. Billing will be at the constant use rate for up to 30 days. If use exceeds 30 days the Superintendent will have the discretion to change the constant use rate to the summer season peaking rate. Said agreement shall provide that neither party shall be liable for failure to deliver water to the other at any time.

G. Fire Protection Service. When a customer does not receive domestic water from the Division and requests a fire service from the Division the appropriate regular domestic service rates shall apply as detailed above. In addition all regular construction fees, main charges and SDC shall apply. Where City water is used for domestic purposes, such customers are entitled to a separate fire service at the regular fire service rate, payable monthly as follows:

Fire Protection Service – Ready to Serve Charge					
Meter Size (Inches)	Inside Commencing		Outside Commencing		Maximum Allowable Monthly Water Usage for Testing and Leakage, CCF
	4/1/15	1/1/16	4/1/15	1/1/16	
2	\$24.82	\$24.82	\$29.78	\$29.78	2.99
3	\$36.14	\$36.14	\$43.37	\$43.37	2.99
4	\$60.38	\$60.38	\$72.46	\$72.46	2.99
6	\$135.43	\$135.43	\$162.52	\$162.52	2.99
8	\$241.10	\$241.10	\$289.32	\$289.32	2.99
10	\$377.11	\$377.11	\$452.53	\$452.53	2.99
12	\$603.19	\$603.19	\$723.83	\$723.83	2.99

Fire Protection Service – Ready to Serve Charge – Fircrest			
Meter Size (Inches)	Commencing		Maximum Allowable Monthly Water Usage for Testing and Leakage, CCF
	4/1/15	1/1/16	
2	\$30.77	\$29.78	2.99
3	\$44.80	\$43.37	2.99
4	\$74.85	\$72.46	2.99
6	\$167.88	\$162.52	2.99
8	\$298.87	\$289.32	2.99
10	\$467.47	\$452.53	2.99
12	\$747.71	\$723.83	2.99

Fire Protection Service – Ready to Serve Charge – Lakewood, Puyallup, and University Place			
Meter Size (Inches)	Commencing		Maximum Allowable Monthly Water Usage for Testing and Leakage, CCF
	4/1/15	1/1/16	
2	\$31.55	\$29.78	2.99
3	\$45.94	\$43.37	2.99
4	\$76.75	\$72.46	2.99
6	\$172.16	\$162.52	2.99
8	\$306.48	\$289.32	2.99
10	\$479.37	\$452.53	2.99
12	\$766.76	\$723.83	2.99

Where such fire service is provided, the monthly rate shall include usage of up to a maximum of 2.99 units of water per month. The 2.99 units of allowable water use is for incidental water use for monthly leakage and system testing and is the maximum amount allowed in a single month. In any month where the total consumption is in excess of the amount shown above, the rate for water consumed shall be as noted below.

Fire Protection Service - Rate per CCF		
	Rate per CCF	
	Commencing	
	4/1/15	1/1/16
All CCF - Inside City	\$3.960	\$3.960
All CCF - Outside City	\$4.752	\$4.752
All CCF - Fircrest	\$4.909	\$4.752
All CCF - Lakewood, Puyallup, and University Place	\$5.034	\$4.752

If the Water use in excess of the maximum monthly allowable amount was used in extinguishing fires of incendiary or accidental origin and the customer at the location where the use occurs gives written notice to the Division within ten days from the time of such fire the customer shall pay only for actual water used at the rate noted above. If the Division is not notified the Division will conclude that water is being used for purposes other than extinguishing fires and charge the additional fee noted below of 12 times the monthly rate.

Whenever water from the Division is available on a premise through a service being charged the rate for fire protection only and is used for purposes other than extinguishing fires of incendiary or accidental origin including ongoing leakage of the fire service line and the amount of water used is in excess of the amount shown in the table above, 12 times the ready to serve charge for the specific service in question shall be the monthly minimum charge and the charge for water consumed shall be as noted in the “Fire Protection Service – Rate per CCF” table above. Waivers may be granted from the assessment of the 12 times the ready to serve charge for leaks or other accidental use upon written request with all supporting documentation but the charge for water consumed shall not be waived.

Nonpayment of invoices related to the construction of or monthly use of a fire service will result in the service being turned off and notification of the appropriate fire official who may then disallow occupancy of the premise.

Unauthorized use of water through a detector check meter more than once per calendar year may be cause for installation of a turbine meter assembly, UL/FM approval for fire service assemblies at the expense of the customer. Within the City of Tacoma, whenever water is used for purposes other than extinguishing fires, the amount of water used may be subject to the appropriate sanitary sewer charge as defined in TMC 12.08, in addition to the rates noted above and assessment of the 12 times the ready to serve charge.

Should the unauthorized use continue, including leakage in excess of the maximum amount of water allowed, the service will be considered as other than standby fire protection and be billed in accordance with the type of use pursuant to this section, and shall be subject to payment of the applicable SDC pursuant to TMC 12.10.310. Refusal to pay for the installation of the fire line meter and/or the SDC shall result in termination of service pursuant to TMC 12.10.130.

When a customer desires a fire service for the protection of a premises and the domestic water for said premises is provided from another source, the applicable single-family residential, multi-family residential, or commercial/industrial rates shall apply for the requested fire protection service inside and outside the City, respectively. When any outlet for fire protection purposes is installed on a residential, commercial or industrial service, no rebate will be allowed for water used for extinguishing a fire.

H. Special Contracts. The Superintendent, with the approval of the Board, shall have the right to enter into contracts for periods up to 20 years where service conditions are extraordinary; provided, that such contracts shall contain applicable rates as adopted by the Board and the City Council.

I. RockTenn Contract. The rates, terms, and conditions in the contract between the City and RockTenn CP, LLC (“RockTenn”) are applicable, except as modified by this section. For a nominated contract demand, the water rate will be based on a monthly distribution charge and the daily supply charge. If the monthly water use exceeds 103% of the contract demand or the daily water use exceeds 109% of the contract demand, an excess water usage charge will be applied. The excess water usage charge will be either the daily excess water use charge or the monthly excess water use charge, whichever is greater.

1. Water use within the range of contract demand plus 3 percent: The charge will consist of a monthly distribution charge and daily supply charge per ccf metered as stated below.
2. Daily water use greater than one hundred and nine percent (109%) of the contract demand: The charge will consist of a monthly distribution charge, daily supply charge, plus a Daily Excess Water Usage Charge (based upon the commercial and industrial-large volume rate) for water metered daily in excess of the contract demand plus 9 percent as stated below.
3. Monthly water use greater than one hundred and three percent (103%) of the contract demand: The charge will consist of a monthly distribution charge, daily supply charge, plus a Monthly Excess Water Usage Charge (based on the commercial and industrial-large volume rate) for water metered during a month in excess of the contract demand plus 3 percent, as stated in the following table.

Billing Components	Commencing	
	4/1/15	1/1/16
Distribution Charge per Month	\$71,377.26	\$74,232.35
Supply Charge/CCF	\$0.6609151	\$0.6873517
Daily or Monthly Excess Water Usage Charge (Commercial and Industrial - Large Volume Rate) per CCF	\$1.510	\$1.557

4. The Superintendent is hereby authorized to execute a contract with RockTenn to provide additional terms and conditions of service and other provisions consistent with this ordinance.

J. Meter Tests. If a customer has informed the Division that its water consumption has been above its normal billing consumption and verification discovers no leaks on the customer facilities, the customer may request that the Division test the meter. If the test discloses the meter is accurate within the American Water Works Association (“AWWA”) specifications, the customer will be billed for the test and their water bill will not be adjusted. If the test discloses the meter is not accurate within the AWWA specifications and the inaccuracy is the cause of the recorded high consumption, the customer’s water bill will be adjusted and credit given for the excessive consumption and the customer will not be billed for the test. The charge for testing meters shall be added to the customer’s bill as follows:

Meter Size	Cost
1-inch and smaller	\$75.00
>1-inch	*Estimated Cost

*The customer shall pay a deposit in the amount of the Division’s estimated cost.

If the actual cost differs from the estimated cost, the customer will be refunded or billed the difference.

The Division will not test meters owned by others.

K. Low Pressure or Low Flow Concerns. The customer may request the Division to conduct a flow and pressure test on the service to its premises. If the cause of the problem is found to be located on the property side of the meter yoke outlet, the customer will be invoiced for a fee of \$25.

If the test discloses that the low flow and/or pressure is caused by Division facilities, the Division will attempt to correct the problem and the customer will not be charged.

L. Low-income Senior and/or Low-income Disabled Residential Rate Discount. Residential customers who qualify as low-income senior or low-income disabled shall be eligible for a 30 percent reduction from the regular residential water rates. The determination of low-income senior and low-income disabled shall be made as set forth in TMC 12.06.165 for City Light Division (d.b.a. “Tacoma Power”) customers. Customers must submit an application for review and acceptance by the authorized administering agency to qualify for this reduction. For the water rate discount, there is no requirement that a customer be a Tacoma Power customer or submit to an energy audit.

M. Water System Acquisition. A water system may be acquired by the City under an agreement between the water system owner(s) and the City with Board and City Council approval. When all or a portion of the acquired system requires upgrading equal to Division standards, the agreement shall provide for funds to achieve compliance with said standards. Under the agreement, a surcharge may be levied by the City for a period of time or an LID may be formed in accordance with RCW Title 35. The surcharge shall be an additional charge equivalent to the Ready to Serve charge per month times a multiplier, or an actual dollar amount as stated in the acquisition agreement and set forth below. The current surcharge areas include:

Former Water System	
Hyada Mutual Service Company	Total Monthly Charge \$30.00 per month through July 2022

If allowed by the acquisition agreement, a customer in a surcharge area may opt to pay off the outstanding surcharge amount.

(Ord. 28305 Ex. A; passed Jul. 14, 2015: Ord. 28286 Ex. A; passed Mar. 17, 2015: Ord. 28133 Ex. A; passed Feb. 26, 2013: Ord. 27971 Ex. A; passed Feb. 8, 2011: Ord. 27970 Ex. A; passed Feb. 1, 2011: Ord. 27778 Ex. A; passed Jan. 6, 2009: Ord. 27570 § 9; passed Dec. 19, 2006: Ord. 27522 § 20; passed Aug. 29, 2006: Ord. 27299 § 11; passed Dec. 7, 2004: Ord. 27137 § 2; passed Sep. 9, 2003: Ord. 27076 § 1; passed Apr. 8, 2003: Ord. 27024 § 7; passed Dec. 10, 2002: Ord. 26872 § 2; passed Nov. 6, 2001: Ord. 26800 § 16; passed Apr. 10, 2001: Ord. 26409 § 1; passed Apr. 27, 1999: Ord. 26048 § 1; passed Mar. 25, 1997)

12.10.485 City not liable for damages.

The Division reserves the right to require any customer to install as a condition of water service a pressure reducing valve, backflow prevention assembly, pressure relief valve or similar devices at any location where the Superintendent determines a need to protect the Division's facilities, water quality or customer's service.

The City shall not be liable for damages and allowances will not be made for loss of production, sales or service in case of: (1) water pressure variations, (2) revisions to pressure within the system, (3) operation of the City's source of water supply or means of distribution fails or is curtailed, suspended, interrupted or interfered with, or (4) for any cause reasonably beyond the Division’s control. Pressure variations, equipment failure, failure to supply, curtailment, suspension, interruption or interference shall not constitute a breach of contract on the part of the City, or in any way affect any liability for payment for water made available or for money due on or before the date of such occurrence. The customer shall notify the Division as soon as possible in the event of unusual occurrences. The Division reserves the right to make system modifications as deemed necessary for the operation and maintenance of the system.

When water service is turned on or left on at the request of the customer, or the Division discontinues service for “nonpayment” or “no contract,” the Division shall not be liable for damages incurred to the premises because of such actions.

If a water meter or other Division pipes and equipment is located on the customer's premises, as a condition of water service the customer agrees not to make claim against nor sue the City for any damages due to water leakage and shall hold the City harmless from any and all claims and litigation which allege damages resulting from water leakage occurring at such meter, pipes, and equipment.

The responsibility for customer facilities installed by the Division for the benefit of the customer shall be that of the owner of the premises served and the City shall not be liable for any part of the cost nor for any damage resulting from its use.

(Ord. 27778 Ex. A; passed Jan. 6, 2009; Ord. 26048 § 1; passed Mar. 25, 1997)

12.10.490 Protection of public health.

The Superintendent may arrange for a periodic inspection of the water system in coordination with the appropriate State Director of Health. The Superintendent shall from time to time promulgate, publish and enforce such rules and standards deemed necessary by the Division to protect the municipal potable water supply from pollution. Copies of such rules and standards, and amendments thereto, shall be placed on file with the Clerk of the Public Utility Board.

(Ord. 27299 § 12; passed Dec. 7, 2004: Ord. 26048 § 1; passed Mar. 25, 1997)

12.10.495 South Tacoma Groundwater Protection.

Upon receipt of written request and documentation from the Director of the Tacoma-Pierce County Health Department, or his or her designee, that a customer is in violation of the requirements of TMC 13.09, the Superintendent may order water service to be discontinued.

(Ord. 27522 § 21; passed Aug. 29, 2006)

12.10.500 Waivers – By Superintendent.

The Superintendent is authorized to grant minor waivers to specific requirements contained in this chapter. The Superintendent may grant a minor waiver upon Division initiation or upon a clear demonstration by the applicant that such waiver will not be in conflict with the intent and spirit of this chapter.

(Ord. 26048 § 1; passed Mar. 25, 1997.)

12.10.505 Customer service policies – Additional rules and regulations.

The Superintendent, with the approval of the Director, may promulgate and enforce Customer Service Policies and related additional rules and standards as may be deemed appropriate to implement this chapter, to encourage conservation and the efficient use of water, and for further clarification of service.

Legal criminal enforcement shall be vested in the Police Department of the City, and all prosecutions for violations hereof shall originate in the Municipal Court of the City of Tacoma. The penalties provided herein are in addition to any civil remedy provided at law.

(Ord. 27522 § 22; passed Aug. 29, 2006: Ord. 27299 § 13; passed Dec. 7, 2004: Ord. 26048 § 1; passed Mar. 25, 1997)

12.10.515 Violations – Penalties – Enforcement.

Any person violating any of the provisions relating to the rate schedules, general provisions, and customer service policies governing the sale of water shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine in any sum not exceeding \$1,000.00, or imprisonment for a period not to exceed one year, or both; and, in addition to the penalty herein above provided, the service to the premises of any person found guilty of violating these provisions shall be discontinued. The person violating same shall be liable for all damages resulting and for all water used by reason of such violation.

Legal criminal enforcement shall be vested in the Police Department of the City and all prosecutions for violations hereof shall originate in the Municipal Court of the City of Tacoma. The penalties provided herein are in addition to any civil remedy provided by law.

(Ord. 26800 § 17; passed Apr. 10, 2001; Ord. 26048 § 1; passed Mar. 25, 1997)

12.10.520 Severability.

If any clause, sentence, paragraph, subdivision, section or part of the provisions relating to the rate schedules, general provisions and customer service policies governing the sale of water shall for any reason be adjudged to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this chapter.

(Ord. 26048 § 1; passed Mar. 25, 1997)

12.10.525 Interference with and/or damage to City water system.

Any person causing damage to any property belonging to the Division shall be liable to the Division for any and all damages resulting either directly or indirectly therefrom.

It shall be unlawful for any person to willfully disturb, break, deface, damage or trespass upon any property belonging to or connected with the water system of the Division in any manner whatsoever.

It shall be unlawful for any person to build, store, maintain or keep any goods, merchandise, materials or rubbish that will interfere with the access to or operation and maintenance of any water facilities, or any of their appurtenances.

(Ord. 27299 § 14; passed Dec. 7, 2004: Ord. 26048 § 1; passed Mar. 25, 1997)

Chapter 12.11

EMERGENCY CURTAILMENT OF ELECTRIC ENERGY

Sections:

- 12.11.010 Purpose.
- 12.11.020 Definitions.
- 12.11.030 Authority to declare electric energy emergency.
- 12.11.040 Electric energy emergency.
- 12.11.050 Severability.
- 12.11.060 Sunset and review of program.

12.11.010 Purpose.

The purpose of this chapter is to address certain electric energy supply conditions, including extremely high prices in the wholesale power market and lack of power availability, and/or serious system reliability concerns that may warrant a declaration of electric energy emergency which shall authorize the appropriate City authorities to take action to prevent nonessential and/or wasteful uses of electric energy. This action will minimize the City's electric utility (d.b.a. Tacoma Power) from having to pay unreasonably high prices for wholesale electric energy that is necessary for the sustainment of life, health, and public safety for Tacoma Power's customers, and to minimize the risk of electric system reliability problems. Such action shall be authorized when a resource or supply emergency imperiling the physical, material, and economic well being of the residents of the City and/or the customers of Tacoma Power is declared to exist by the City Council. This chapter is not intended and shall not be applicable to Tacoma Power's operational plans, programs, or requirements for dealing with electric system reliability concerns, nor with its contract rights to interrupt or curtail electric service.

(Ord. 26796 § 1; passed Apr. 3, 2001)

12.11.020 Definitions.

Words and phrases set forth herein shall have the meaning given to them as set forth in this section. All other words and phrases shall have the meanings ascribed to them by dictionaries of general use. Use of a word in the past, present, or future tense, or in the masculine, feminine, or neuter gender, or in the singular or plural, shall include all such usage, unless the context thereof clearly indicates a contrary intent.

A. Voluntary conservation/curtailment request. A voluntary conservation/curtailment request is a request made after one or more of the region's utility operational groups, or the state and/or Tacoma Power foresee or is experiencing conditions where substantially all available resources are committed to meet firm load, firm transactions, and reserve commitments, and there is serious concern about sustaining required operating reserves, or when Tacoma Power is being required to pay unreasonably high prices for electric energy to serve its customers. Therefore, a voluntary conservation/curtailment request may be made when the potential for shortages in the supply of electricity and/or unreasonably high wholesale power prices is sufficiently serious that the community and its leaders should be alerted to the situation and encouraged to use all available voluntary means of conserving/curtailing electric energy so as to avoid the necessity of proceeding to mandatory phases of curtailment. The request may identify the actions requested, which may include that all Tacoma Power customers: (1) eliminate or reduce decorative and seasonal lighting; (2) limit all indoor and exterior lighting, especially after normal business hours; (3) turn down electric water heaters to 120°F; (4) reduce electric space heat thermostat settings to 68°F during active use periods or business hours and to 55°F when no one is home, during sleep periods, and when the business is closed; (5) turn off lights, appliances, electronic equipment and computers when not in use; (6) run only full dishwasher loads (and eliminate electric dry feature); (7) take shorter showers; (8) use cold wash loads when doing laundry; and (9) use microwave ovens instead of electric stoves.

B. Electric Energy Emergency Alert means an electric energy situation that has resulted, or is projected to result, in Tacoma Power being required to pay prices for wholesale electric energy that are significantly higher than the average price that Tacoma Power's customers pay back to Tacoma Power for the electric energy they receive, which situation may create a substantial risk of substantial economic harm to the financial health of Tacoma Power, the City, the citizens and businesses within the City, or Tacoma Power's other customers.

Tacoma Power will implement steps and procedures to avoid this situation, which may include requesting voluntary curtailment, interrupting power under contracts and arrangements that will permit temporary interruption, increasing generation by using temporary high-cost generation resources, and other steps to reduce load.

C. Unreasonably high prices for wholesale electric energy means that the price that Tacoma Power must pay for wholesale electric energy to provide electric utility service for its customers is significantly higher than the average price that Tacoma Power's customers pay back to Tacoma Power for the electric energy they receive.

D. Blackout means a planned or unplanned electrical outage of a significant portion or all of Tacoma Power's service area that results from an actual shortage in electric energy or from an operational problem. A blackout to a portion of Tacoma Power's service area may be imposed to avoid a total blackout to the entire service area of Tacoma Power.

E. Off-peak hours means the time periods of reduced electric demand between 9:00 p.m. and 6:00 a.m.

F. Nonessential electricity use means a use of electricity that is not essential for normal everyday safe, secure, and healthful living, or not necessary for maintaining the machinery or inventory of a business, including, but not limited to, maintaining electric space heat in excess of 68°F, computers and other machines left on for long periods when not in use, electric hot water heater set at more than 120°F, use of substantially higher-wattaged (incandescent or other) lighting than reasonably necessary, and other uses of electricity that are not reasonably necessary for healthful, safe, and secure conditions.

G. Security or safety purpose means electricity necessary to maintain the machinery, inventory, and security of a business, and electricity necessary to maintain healthful and secure conditions in residences, including both businesses and residences, the placement of light at a particular location to serve to illuminate a potential hazard or an area where persons or property might reasonably be expected to be at risk from criminal activity and the lighting and illumination provide a deterrent.

(Ord. 26796 § 1; passed Apr. 3, 2001)

12.11.030 Authority to declare electric energy emergency.

A. A Voluntary Conservation Request may be declared by the City Council and/or Public Utility Board by resolution or declaration.

B. An Electric Energy Emergency Alert may be declared by the City Council by resolution or motion, which action may set forth the findings, determination, and duration of the Alert. The Public Utility Board may, but is not required to, initiate and request this action.

(Ord. 26796 § 1; passed Apr. 3, 2001)

12.11.040 Electric Energy Emergency Alert necessitating conservation and curtailment.

A. Upon the City Council declaration of an Electric Energy Emergency Alert all Tacoma residents, and all other Tacoma Power customers, are directed to conserve and curtail their use of electricity as follows:

1. Turn off all decorative and outdoor lighting at residential property, except when necessary for security or safety purposes;
2. Turn off all outside and decorative lighting at commercial or industrial properties during daylight hours and after normal business hours, except when necessary for security or safety purposes;
3. Except for businesses operating 24 hours a day, turn off all advertising lighting, including, but not limited to, billboard signs and advertising signs, except between the hours of dusk and 2 a.m., and
4. Turn off all interior lighting (including display lighting) at, in, or for all commercial, business, or industrial buildings or facilities after normal business hours except when necessary for security or safety purposes.

B. During an Electric Emergency Alert compliance with the foregoing is not required if:

1. Turning off power would cause damage to electrically powered machinery or other devices at the customer's residence or business; or
2. Due to the design or installation of machinery or other devices it at the customer's residence or business it is not possible to turn off the power to that machine or device; or
3. Turning off the power would cause the customer to breach a contract that was entered prior to the announcement of an Electric Energy Emergency Alert.

(Ord. 26796 § 1; passed Apr. 3, 2001)

12.11.050 Severability.

If any section of this chapter, or its application to any person or circumstance, is held invalid by a court of competent jurisdiction, then the remaining sections of this chapter, or the application of the provisions to other persons or circumstances, shall not be affected.

(Ord. 26796 § 1; passed Apr. 3, 2001)

12.11.060 Sunset and review of program.

This chapter shall be in effect through and until July 1, 2010, unless the City Council shall determine on an earlier review.

(Ord. 26796 § 1; passed Apr. 3, 2001)

Chapter 12.12

TRANSIT SYSTEM – RATES, FARES AND CHARGES

Sections:

- 12.12.010 School fares.
- 12.12.020 Student fares.
- 12.12.030 Regular or adult fare.
- 12.12.035 Downtown – County-City Building route.
- 12.12.040 Additional fare - Outside City limits.
- 12.12.060 Discounts granted.
- 12.12.070 Charter service charges.
- 12.12.080 Sunday passes.
- 12.12.090 Senior citizens and handicapped persons - Fares.
- 12.12.100 Prohibited conduct.
- 12.12.110 Youth summer passes.
- 12.12.120 Monthly passes.
- 12.12.130 Shuttle employment trips for physically handicapped.

12.12.010 School fares.

The fare for all school children within the City of Tacoma shall be \$0.20, the tickets for which fares may be purchased by all school children at all schools where they attend, and shall be valid from 7:00 a.m. until 5:30 p.m. on all school days and shall be used only for the purposes of the children going to and from school.

(Ord. 19122 § 1; passed Jun. 16, 1970: Ord. 19009 § 1; passed Jan. 13, 1970: Ord. 17423 § 2; passed Aug. 27, 1963)

12.12.020 Student fares.

The fare for all students within the City shall be \$0.20; providing, however, such student shall at all times carry on his person an identification card as evidence that he is a student and entitled to such reduced fare, which card shall be exhibited to the bus driver at any time a request for identification of a student is made.

(Ord. 17424 § 1; passed Aug. 27, 1963)

12.12.030 Regular or adult fare.

The fare for all other persons within the City of Tacoma shall be \$0.25.

(Ord. 21732 § 1; passed Jun. 5, 1979: Ord. 20551 § 1; passed Sept. 18, 1975: Ord. 17425 § 1; passed Aug. 27, 1963)

12.12.035 Downtown – County-City Building route.

There is hereby established in the City of Tacoma a special route extending from South 11th and Pacific Avenue in the City of Tacoma to South 11th Street and Tacoma Avenue in the City of Tacoma. Any person may board any bus traversing along said route and ride the same between the termini thereof for a fare of \$0.10 between the hours of 7:30 a.m. and 5:30 p.m. on any working day. A working day, for the purposes of this section, shall mean any day that all offices in the County-City Building are open for business.

(Ord. 19013 § 1; passed Jan. 20, 1970)

12.12.040 Additional fare – Outside City limits.

In addition to the regular adult and student fares provided for in this chapter, the following additional fare shall be collected from and paid by all passengers, to-wit:

- A. From 96th and South Park Avenue (City limits) to South 133rd and Pacific Avenue, \$0.10; and from South 133rd and Pacific Avenue to the end of the bus line at Spanaway Park or any intermediate point, an additional five cents.
- B. From Orchard Street and Regents Boulevard to Alameda Avenue (Fircrest), \$0.05.
- C. From South 19th Street and Grandview Avenue to South 19th Street and Jackson Avenue (University Place), \$0.05.
- D. From the City limits to South 70th and Old Highway 99, \$0.25; handicapped persons and senior citizens, \$0.15.
- E. From 70th Street and Old Highway 99, to the interconnection point with Metro at South 348th Street, \$0.25; handicapped persons and senior citizens, \$0.10.

(Ord. 20434 § 1; passed May 20, 1975; Ord. 18194 § 1; passed Dec. 20, 1966: Ord. 17423 § 2; passed Aug. 27, 1963)

12.12.060 Discounts granted.

The Director of Transit, with the approval of the City Manager, is hereby authorized to grant to any person, corporation, group or association a 10 percent discount on all regular fares when free rides are granted to the public for trade stimulation purposes or other purposes conducive to the best interests of the City.

(Ord. 17423 § 2; passed Aug. 27, 1963)

12.12.070 Charter service charges.

The Director of Transit, with the approval of the City Manager, is authorized to charter buses of the transit system at reasonable rates and charges, depending on the facts and circumstances of each charter; provided, however, no buses shall be chartered at less than the actual necessary expenses required for such charter services.

(Ord. 17423 § 2; passed Aug. 27, 1963)

12.12.080 Sunday passes.

On each Sunday there may be issued and sold Sunday passes for the sum of \$0.60 per pass. Said Sunday passes shall, on the date they are issued and sold, entitle the purchasers thereof to ride on any and all transit buses operated by the Tacoma Transit System at any and all times and as frequently as the purchasers may desire.

(Ord. 17679 § 1; passed Sept. 8, 1964: Ord. 17629 § 1; passed Jun. 23, 1964)

12.12.090 Senior citizens and handicapped persons – Fares.

Notwithstanding any other provision of this chapter, any patron of the Tacoma Transit System of the age of 60 years or more or any handicapped person who has been issued a pass by the Transit Department shall be entitled to ride upon any and all transit buses operated by the Tacoma Transit System at any time upon payment of a fare of \$0.10; provided such persons shall exhibit to the driver at the time of paying such fare, in the case of senior citizens: (a) a proper identification card authorized to be issued by the City of Tacoma upon payment of a \$0.50 charge therefor, or (b) a Medicare identification card, together with other suitable data sufficiently identifying such person as having attained the age of 60 years or more; or in the case of handicapped persons, a \$0.50 pass issued by the Transit Department of the City of Tacoma, which pass shall be issued upon such person making application therefor and establishing to the satisfaction of Department representatives that they have a handicap meeting the criteria heretofore established by the Department in accordance with Section 5 of the Urban Mass Transportation Act of 1964 as amended. Senior citizens and handicapped persons who are entitled to receive reduced fares under the terms of this section shall, in addition, pay the fares specified in subsections D and E of Section 12.12.040 hereof in order to be entitled to ride on the portion of the bus line interconnecting with Metro outside the Tacoma City Limits.

(Ord. 21732 § 2; passed Jun. 5, 1979: Ord. 20551 § 2; passed Sept. 18, 1975: Ord. 20454 § 1; passed Jun. 17, 1975: Ord. 20434 § 2; passed May 20, 1975: Ord. 20090 § 1; passed Apr. 2, 1974: Ord. 19123 § 1; passed May 26, 1970: Ord. 18975 § 1; passed Nov. 25, 1969: Ord. 18932 § 1; passed Sept. 23, 1969: Ord. 18874 § 1; passed Jul. 8, 1969: Ord. 18388 § 1; passed Sept. 20, 1967)

12.12.100 Prohibited conduct.

The playing of radios, tape recorders and other sound-producing devices upon regularly scheduled transit buses by passengers thereon is prohibited. Failure and refusal to desist from such activities upon request having been made by the transit bus operator shall constitute cause for removal and exclusion of the offending party from the transit bus without refund of any fare paid.

(Ord. 21350 § 1; passed May 9, 1978)

12.12.110 Youth summer passes.

During the summer months, commencing with the Monday following the dismissal of public schools in the City of Tacoma and terminating on the day after Labor Day, there may be issued and sold Youth Summer Passes for the sum of \$10.00 for said entire period, or for the sum of \$7.00 for the period from July 1st to the day following Labor Day, or for the sum of \$5.00 for the period from August 1st to the day following Labor Day, which passes shall be sold only to youth within the City of Tacoma between the ages of six and 18 years, inclusive. Purchasers thereof shall be allowed unlimited rides on any and all Transit buses operated by the Tacoma Transit System at any and all times of the day.

(Ord. 21686 § 1; passed Apr. 24, 1979: Ord. 21378 § 1; passed Jun. 13, 1978)

12.12.120 Monthly passes.

In order to meet the needs of the citizens of the City of Tacoma, the Council hereby establishes a transit fare to allow for monthly pass rates in the sum of \$10.00 per month for adults, and \$2.50 per month for the elderly, who are over 60 years of age, and the handicapped, who have been issued passes by the Transit Department, for limited rides in that month upon all transit buses operated by the Tacoma Transit System, said passes to be good for an unlimited number of rides in the month of issuance.

(Ord. 21732 § 3; passed Jun. 5, 1979; Ord. 21580 § 1; passed Jan. 2, 1979)

12.12.130 Shuttle employment trips for physically handicapped.

Those persons physically handicapped to the extent that they are unable to use regular transit coaches as a means of transportation to and from their places of employment, and therefore rely on Transit Demand Response Service (“Shuttle”) shall be charged a fare of \$0.50 for each way on the Shuttle Buses for their employment trips.

(Ord. 21732 § 4; passed Jun. 5, 1979)

Chapter 12.13

CLICK! NETWORK CABLE TV PRODUCTS

Sections:

- 12.13.010 Click! Network Cable TV products – inside the City of Tacoma.
 12.13.015 Click! Network Cable TV products and services – outside the City of Tacoma.
 12.13.020 Click! Network Cable TV additional sports channels for businesses.
 12.13.030 Broadband services and internet service providers.
 12.13.040 Applicable taxes and franchise fees.

12.13.010 Click! Network Cable TV products – inside the City of Tacoma.

Click! Cable TV Products	Recurring Monthly Price
Broadcast--Includes broadcast, local, and PEG channels	\$17.99
Standard--Includes a large variety of satellite, broadcast, basic, local channels, and PEG	\$52.99

Click! Special Products	Recurring Monthly Price
Premium Channels (e.g., HBO, Showtime, Cinemax, Starz, commercial digital music, and others)	\$2.00 – \$29.95
Pay-per-View VOD Movies, Events, and Specials (e.g., NBA and NHL package subscriptions)	\$.99 – \$300.00
Set-top Receivers, Adjunct Equipment	\$0.00 – \$19.00
Low-income/Disabled and Senior Discount (Must meet Tacoma Power customer requirements for eligibility)	20% discount on Broadcast or Standard service
Cable TV Guide (Paper Magazine; subject to annual 5% adjustment for mailing costs)	\$4.99

Bulk Rates for Apartment Complexes	Recurring Monthly Price	
1 – 25 Units (full retail rate)	Broadcast	\$17.99
	Standard	\$52.99
26 – 150 Units (5% discount on broadcast; 10% discount on standard)	Broadcast	\$17.09
	Standard	\$47.69
151 – 300 Units (5% discount on broadcast; 15% discount on standard)	Broadcast	\$17.09
	Standard	\$45.04
300 Units and Above (5% discount on broadcast; 20% discount on standard)	Broadcast	\$17.09
	Standard	\$42.39

Other Fees	Non-recurring Price
Hourly Service Charge	\$40.00
Connect – Install new wiring	\$50.00
Connect – Using existing wiring	\$40.00
Install Additional Outlet	\$20.00
Unreturned Remote Control	\$10.00
Nonstandard Installation	Hourly service charge plus materials
Unreturned Rented Equipment	\$50.00 – 600.00
Miscellaneous Adjunct Equipment	\$ 5.00 – 150.00
Late Payment Charges	\$ 6.99
Credit Card Misuse Fee	\$20.00
Miscellaneous Customer Premise Visit (VCR connection, late payment pick-up fee, install A/B switch, and nonpayment reconnection fee)	Hourly service charge
Returned Item Fee (NSF check)	\$20.00
Nonpayment Reactivation Fee (Equipment Reauthorization)	\$ 1.99

(Ord. 28223 Ex. A; passed May 20, 2014; Ord. 28153 Ex A; passed June 11, 2013; Ord. 28098 Ex. A; passed Nov. 13, 2012; Ord. 28049 Ex. A; passed Feb. 14, 2012; Ord. 27843 Ex. A,B; passed Nov. 3, 2009; Ord. 27717 Ex. A; passed Jun. 17, 2008; Ord. 27331 § 1; passed Mar. 22, 2005; Ord. 27059 § 1; passed Mar. 18, 2003; Ord. 27007 § 2; passed Nov. 19, 2002)

12.13.015 Click! Network Cable TV products and services – outside the City of Tacoma.

Click! Cable TV Products	Recurring Monthly Price
Broadcast – Includes broadcast, local, and PEG channels	\$19.49
Standard – Includes a large variety of satellite, broadcast, local channels, and PEG	\$54.99

Click! Special Products	Recurring Monthly Price
Premium Channels (e.g., HBO, Showtime, Cinemax, Starz, commercial digital music, and others)	\$2.00 - 29.95
Pay-per-View VOD Movies, Events, and Specials (e.g., NBA and NHL package subscriptions)	\$.99 - 300.00
Set-top Receivers, Adjunct Equipment	\$0.00 - 19.00
Low-income/Disabled and Senior Discount (Must meet Tacoma Power customer requirements for eligibility)	20% discount on Broadcast or Standard service
Cable TV Guide (Paper Magazine; subject to annual 5% adjustment for mailing costs)	\$4.99

Bulk Rates for Apartment Complexes	Recurring Monthly Price	
1 – 25 Units (full retail rate)	Broadcast	\$19.49
	Standard	\$54.99
26 - 150 Units (5% discount on broadcast; 10% discount on standard)	Broadcast	\$18.51
	Standard	\$49.49
151 - 300 Units (5% discount on broadcast; 15% discount on standard)	Broadcast	\$18.51
	Standard	\$46.74
300 Units and Above (5% discount on broadcast; 20% discount on standard)	Broadcast	\$18.51
	Standard	\$43.99
Other Fees	Non-recurring Monthly Price	
Hourly Service Charge	\$40.00	
Connect--Install new wiring	\$50.00	
Connect--Using existing wiring	\$40.00	
Install Additional Outlet	\$20.00	
Unreturned Remote Control	\$10.00	
Nonstandard Installation	Hourly service charge plus materials	
Unreturned Rented Equipment	\$50.00 - 600.00	
Miscellaneous Adjunct Equipment	\$ 5.00 - 50.00	
Late Payment Charges	\$ 6.99	
Credit Card Misuse Fee	\$20.00	
Miscellaneous Customer Premise Visit (VCR connection, late payment pick-up fee, install A/B switch, and nonpayment reconnection fee)	Hourly service charge	
Returned Item Fee (NSF check)	\$20.00	
Nonpayment Reactivation Fee (Equipment Reauthorization)	\$ 1.99	

(Ord. 28223 Ex. A; passed May 20, 2014; Ord. 28153 Ex A; passed June 11, 2013; Ord. 28098 Ex. A; passed Nov. 13, 2012; Ord. 28049 Ex. A; passed Feb. 14, 2012; Ord. 27843 Ex. A,B; passed Nov. 3, 2009; Ord. 27717 Ex. A; passed Jun. 17, 2008; Ord. 27331 § 2; passed Mar. 22, 2005; Ord. 27059 § 2; passed Mar. 18, 2003)

12.13.020 Click! Network Cable TV additional sports channels for businesses.

ROOT Sports Pricing Scale (for businesses)	
Estimated Viewing Area	Price
0 – 50 Patrons	\$ 46.88
51 – 100 Patrons	\$ 62.50
101 – 150 Patrons	\$ 93.75
151 – 200 Patrons	\$125.00
200+ Patrons	\$156.00
Non-Hospitality Business	\$ 10.00
Big Ten Sports Channel (for businesses)	
Commercial Big Ten	\$ 8.50

(Ord. 28049 Ex. A; passed Feb. 14, 2012; Ord. 27331 § 3; passed Mar. 22, 2005; Ord. 27007 § 2; passed Nov. 19, 2002)

12.13.030 Broadband services and internet service providers.

Products	Monthly Rate Range	Monthly Variable Rate¹	Monthly HUB Fee²	Engineering NRC³	HUB NRC⁴	Labor & Materials⁵
Click! ISP Advantage	\$5 – \$150	TBD	TBD	N/A	N/A	TBD
Click! Net 1	\$25 – \$1,200	TBD	TBD	TBD	TBD	TBD
Click! Net 3	\$125 – \$4,500	TBD	TBD	TBD	TBD	TBD
Click! Net OC3	\$2,170 – \$4,500	TBD	TBD	TBD	TBD	TBD
Click! Net OC12	\$3,100 – \$12,000	TBD	TBD	TBD	TBD	TBD
Click! Net OC48	\$10,000 – \$30,000	TBD	TBD	TBD	TBD	TBD
Click! Net 1 Includes an Internet DS1 Product - Click! Net 3 Includes an Internet DS3 Product – Click! Net OC3 Includes a 100 Base-T						
¹ Actual pass-through carrier fees with a 10% administration fee.						
² Actual monthly Hub cost for maintaining connection.						
³ Actual costs to engineer the job.						
⁴ Actual cost to terminate the circuit(s) in the Hub.						
⁵ Actual costs for current labor rates and materials. A 10% handling fee will apply to the materials.						

(Ord. 27007 § 2; passed Nov. 19, 2002)

12.13.040 Applicable taxes and franchise fees.

The cable television prices and charges set forth in this chapter shall be subject to all applicable taxes and franchise fees.

(Ord. 27007 § 2; passed Nov. 19, 2002)