

ORDINANCE NO. O2026-008

AN ORDINANCE of the City Council of the City of Tumwater, Washington, amending Chapter 15.50 of the Tumwater Municipal Code to address building demolition requirements.

WHEREAS, TMC Chapter 15.50 *Building Demolition* needs to be amended to address the removal of building foundations as part of the building demolition process; and

WHEREAS, the City is required to plan under Chapter 36.70A RCW, the Growth Management Act; and

WHEREAS, this Ordinance meets the goals and requirements of the Growth Management Act; and

WHEREAS, this Ordinance is consistent with the City's Comprehensive Plan; and

WHEREAS, this Ordinance was sent to the Washington State Department of Commerce on May 12, 2026, at least sixty days before the proposed code amendments were adopted, in accordance with RCW 36.70A.106; and

WHEREAS, an Environmental Checklist for a non-project action was prepared under the State Environmental Policy Act (Chapter 43.21C RCW), pursuant to Chapter 197-11 WAC on May 12, 2026, and a Determination of Non-Significance (DNS) was issued on May 22, 2026; and

WHEREAS, the Attorney General *Advisory Memorandum and Recommended Process for Evaluating Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property* (October 2024) was reviewed and utilized by the City in objectively evaluating the proposed amendments; and

WHEREAS, the Planning Commission received a briefing on the proposed code amendments on May 26, 2026, conducted a work session on June 9, 2026, and held a public hearing on June 23, 2026; and

WHEREAS, following the public hearing and deliberations, the Planning Commission recommended approval of the proposed code amendments by the City Council; and

WHEREAS, the General Government Committee discussed the Planning Commission’s recommendation on the proposed code amendments at a briefing on July 15, 2026; and

WHEREAS, the City Council considered the proposed code amendments on July 21, 2026; and

WHEREAS, the City Council finds that the provisions of this Ordinance are in the best interest of and protect the health, safety, and welfare of the citizens of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUMWATER, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. TMC 15.50.010, Building demolition, of the Tumwater Municipal Code is hereby amended to read as follows:

15.50.010 Building demolition.

The provisions of this chapter shall apply to all buildings and structures being demolished, razed, or otherwise destroyed and removed from the property on which they are constructed, with the exception of those structures exempt from permits in the current edition of the building code adopted by the city of Tumwater. Any item for which use or type of structure is unclear shall be reviewed by the building official and assigned a type or use for the purpose of this chapter. When determined by the building official, the requirements contained within the building code for protection of pedestrians shall also apply.

(Ord. O2010-017, Amended, 12/21/2010; Ord. O95-001, Added, 10/03/1995)

Section 2. TMC 15.50.020, Definitions, of the Tumwater Municipal Code is hereby amended to read as follows:

15.50.020 Definitions.

For the purpose of this chapter, the following definitions shall apply:

A. “Demolition” means the tearing down, razing or removal of a building or structure or portion thereof, including foundations, for the purpose of complete or partial removal of buildings or structures, or to prepare for reconstruction or remodeling of a building or structure.

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

C. “Structure” is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

D. "Demolition permit" means any building permit issued by the city for the express purpose of allowing a demolition to take place.

E. "Bond" means a cash deposit or equivalent fiscal guarantee approved by the building official equal to one hundred percent of the valuation of the demolition work to be performed, as defined in subsection F of this section, but in no case less than \$250.00. The building official may reduce or waive the cash amount of the required bond.

F. "Valuation" for the purpose of providing a bond and calculating a permit fee for building demolition shall be the estimated cost to complete all scheduled demolition work; including, but not limited to: (1) removal of buildings, structures and foundations; (2) removal and termination of public and private site utilities; (3) abatement and/or removal of asbestos or other hazardous materials; (4) restoration of street frontage improvements; (5) protection of the property from erosion; and (6) restoration of the site to eliminate trash, debris, attractive nuisances, or hazards to life or property. When permit applications for replacement structures have been submitted to the city, valuation does not include the removal of foundations.

G. "Foundation," as defined in the International Building Code, means the structural element that transfers the weight of a building to the underlying earth.

(Ord. O2010-017, Amended, 12/21/2010; Ord. O95-001, Added, 10/03/1995)

Section 3. A new Section TMC 15.50.033, Foundation removal, is hereby added to the Tumwater Municipal Code to read as follows:

15.50.033 Foundation removal.

A. When a structure is completely demolished all foundations and slabs must be removed unless otherwise approved by the building official.

B. If approved by the building official, foundations may remain when permit applications for replacement structures have been submitted to the city.

Section 4. TMC 15.50.035, Application requirements, of the Tumwater Municipal Code is hereby amended to read as follows:

15.50.035 Application requirements.

Application shall be made for demolition permits on forms provided by the city. An application shall also include:

A. Site plan of property where work is going to take place. This plan shall include structure(s) being demolished, including foundations, location of utilities, septic tanks, an itemized statement of valuation of demolition and restoration work to be performed, or other such items as may be required by the building official.

B. Copy of asbestos survey required by the Olympic Region Clean Air Agency.

C. Results of a pest inspection and, if necessary, a pest management plan.

D. Plans for restoring frontage improvements (curb closure, sidewalk replacement, street patch, or other items as required by the building official). These items will not be required if building permits for redevelopment have been applied for or if redevelopment is planned within six months. In such case, the cash bond will be held until building permits for redevelopment are issued or improvements are complete. Completion shall not be deferred more than six months. Temporary erosion control and public protection shall be maintained during this time.

E. A certificate of appropriateness waiver from the Tumwater historic preservation commission is required if buildings or structures are registered on the Tumwater register of historic places or districts.

F. A written work schedule for the demolition project. Included in this may be, but are not limited to, street closures, building moving dates, right-of-way work, how the site will be addressed after demolition, including, removing foundations, final grading, and erosion control, or other items as required by the building official.

G. Permit Fee. Permit fees are to be determined according to applicable fee schedules of the building code and adopted by local amendment by the city of Tumwater. The building official shall verify valuations submitted for permit purposes. The building official may require additional documentation from the applicant to verify valuations.

(Ord. O2018-007, Amended, 10/16/2018; Ord. O2010-017, Amended, 12/21/2010; Ord. O95-001, Added, 10/03/1995)

Section 5. TMC 15.50.060, Final inspection by the city, of the Tumwater Municipal Code is hereby amended to read as follows:

15.50.060 Final inspection by the city.

A final inspection shall be made when all demolition-related debris, contaminated soil, paving, concrete, foundations, and utilities have been removed from the property and disposed of properly.

(Ord. O2010-017, Amended, 12/21/2010; Ord. O95-001, Added, 10/03/1995)

Section 6. Corrections. The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 7. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 8. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application

thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 9. Effective Date. This ordinance shall become effective thirty (30) days after passage, approval and publication as provided by law.

ADOPTED this _____ day of _____, 20__.

CITY OF TUMWATER

Leatta Dahlhoff, Mayor

ATTEST:

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney

Published:_____

Effective Date:_____