TITLE 8

Public Safety

TITLE 8
PUBLIC SAFETY

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CHAPTER 8.01
PENALTY PROVISION

Sections:

8.01.010 Penalty provision.

8.01.010 Penalty provision.

A. The maximum penalty for any criminal offense under the Tacoma Municipal Code shall be the same as the maximum penalty provided in Washington State law for the same or similar offense, and where the maximum penalty provided under the Tacoma Municipal Code is inconsistent with the maximum penalty as provided pursuant to State law, such maximum penalty as provided under State law shall prevail.

B. Any person convicted of a violation of any domestic violence crime described in Section 8.105.020.B hereof shall, at the discretion of the prosecuting authority, be subject to a supplemental proceeding before the court to determine such person's status as a domestic violence repeat offender. A person shall be adjudged a domestic violence repeat offender when convicted of an offense described in Subsection 8.105.020.B hereof and such offense is found to have been committed within a two-year period of the commission of two or more prior domestic violence offenses described in Section 8.105.020.B hereof for which there is a valid conviction, and when such prior offenses do not arise from the same facts and circumstances; provided that the prosecuting authority must establish guidelines for a determination as to when the prosecuting authority, in its discretion, will seek to establish such person's status as a domestic violence repeat offender, and must give notice to the accused upon conviction of the prosecuting authority's intent to seek domestic violence repeat offender status. The court shall thereupon, after notice, set a hearing to determine such person's status as a domestic violence repeat offender.

C. A person adjudged to be a domestic violence repeat offender shall be sentenced to the maximum jail term allowable if the maximum penalty does not exceed 90 days in jail, and shall be sentenced to a minimum of 180 days in jail otherwise, and such mandatory minimum penalty shall not be suspended except as provided for pursuant to RCW 3.66.068, as now enacted or as hereafter amended, and Section 8.70.020 of the Tacoma Municipal Code as now enacted or as hereafter amended.

D. Every person convicted of a gross misdemeanor for which no punishment is prescribed in any statute or ordinance in force at the time of conviction and sentence shall be punished by imprisonment for a maximum term fixed by the court of not more than one year or by a fine in an amount fixed by the court of not more than $5,000, or by both such imprisonment and fine.

E. Every person convicted of a misdemeanor for which no punishment is prescribed by any statute or ordinance in force at the time of conviction and sentence shall be punished by imprisonment for a maximum term fixed by the court of not more than 90 days or by a fine in an amount fixed by the court of not more than $1,000, or both such imprisonment and fine.

(Ord. 27842 Ex. A; passed Oct. 20, 2009: Ord. 25498 § 1; passed Jun. 7, 1994)

CHAPTER 8.02
ABANDONED ICEBOXES

Sections:

8.02.010 Removal of doors and locks.
8.02.020 Violation – Penalty.

8.02.010 Removal of doors and locks.

It is unlawful for any person, firm or corporation to place, maintain or leave or knowingly permit to be placed, maintained or left, in any place in the City of Tacoma accessible to minor children, any abandoned, unused or discarded icebox, refrigerator or other like container, unless all doors may be opened from the inside thereof and unless all locks and locking devices have been removed therefrom.

(Ord. 14923 § 1; passed Nov. 2, 1953)

8.02.020 Violation – Penalty.

Any person, firm, corporation, or other legal entity found to have violated any provision of this chapter shall be guilty of a misdemeanor and shall be punished by a fine not exceeding $1,000.00 or by imprisonment not exceeding 90 days, or by both such fine and imprisonment. Upon a first conviction, there shall be imposed a fine of not less than $100.00 and, upon a second conviction, there shall be imposed a fine of not less than $500.00 and, upon a third or subsequent conviction, there shall be imposed a fine of not less than $1,000.00 or imprisonment for not more than 90 days, or by both such fine and imprisonment. Upon a conviction, and pursuant to a prosecution motion, the court shall also order immediate action by the person, firm, corporation, or other legal entity to correct the condition constituting the violation and to maintain the corrected condition in compliance with this chapter. The mandated minimum fines shall include statutory costs and assessments.

(Ord. 25556 § 1; passed Aug. 23, 1994)

CHAPTER 8.03
DEFENSES

Sections:

8.03.010 Defenses.

8.03.010 Defenses.

Chapter 9A.16 RCW, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties.

(Ord. 28231 Ex. A; passed Jul. 8, 2014)

CHAPTER 8.04
ADVERTISING

Sections:

8.04.010 Exercise of police power.
8.04.020 Definitions.
8.04.030 Misrepresentation unlawful.
8.04.040 "Seconds" to be conspicuously marked.
8.04.050 Advertising former price.
8.04.060 Use of word "value."
8.04.070 Opinion as to value.
8.04.080 Use of words "values up to."
8.04.090 Fact person advertising is dealer in advertised goods to appear in advertisement.
8.04.100 Accessory to violation punished as principal.
8.04.110 Publishers and printers of advertising exempt.
8.04.120 Severability.
8.04.130 Violation – Penalties.

8.04.010 Exercise of police power.

This entire chapter shall be deemed an exercise of the police power of the State of Washington and of the City of Tacoma, for the protection of the public, economic and social welfare, health, peace and morals, and all its provisions shall be liberally construed for the accomplishment of that purpose.

(Ord. 11040 § 1; passed Apr. 4, 1934)

8.04.020 Definitions.

The term "person" as used in this chapter shall be held to mean and include natural persons of either sex, firms, co-partnerships and corporations, whether acting by themselves or by servant, agent or employee. The singular number shall include the plural and the masculine pronoun shall include the feminine. The term "advertise," as used in this chapter, shall be held and construed to include the making, displaying, publishing, disseminating or circulating of any public announcement of an offer to sell anything whatever, or an offer or inducement to inquire or investigate concerning anything whatever, in any newspaper, periodical, magazine, pamphlet, bulletin, circular, letter, or upon any placard, poster, sign, picture, or hand bill, or in or upon any other advertising medium whatsoever, whether like or unlike those hereinbefore enumerated.

(Ord. 11040 § 2; passed Apr. 4, 1934)

8.04.030 Misrepresentation unlawful.

It shall be unlawful to advertise any goods, wares or merchandise, securities, service, real estate or any other thing, offered, directly or indirectly, to the public for sale or distribution by making or employing any assertion, representation or statement of fact which is untrue, deceptive or misleading.

(Ord. 11040 § 3; passed Apr. 4, 1934)

8.04.040 "Seconds" to be conspicuously marked.

It shall be unlawful to advertise any goods, wares, or merchandise or units or parts thereof, which are second hand, or used, or which consist of articles classed as "seconds," or which have been rejected by the manufacturer thereof as not first class, unless there be conspicuously displayed directly in connection with the name and description of such merchandise or commodity, or units or parts thereof, a direct and unequivocal statement, phrase, or word which will clearly indicate that such merchandise or commodity, or units or parts thereof so advertised, are second hand, used, defective, blemished, or consist of "seconds" or have been so rejected by the manufacturer thereof, as the facts may be.

(Ord. 11040 § 4; passed Apr. 4, 1934)

8.04.050 Advertising former price.

It shall be unlawful to advertise any goods, wares or merchandise, securities, service or real estate by announcing the present price of the same, or any of them, together with the statement of any former price thereof, unless such former price be the lowest at which the same was offered for sale to the public prior to their being offered at the present advertised price; provided, however, that where, by a common usage of the trade, the size of an article is known by the price designation, then such size may be advertised by such price designation; and provided, further, that an advertiser may use the highest price at

which an article was offered for sale, if said advertiser uses the phrase "originally priced at," together with a statement of the approximate date at which such merchandise was so priced.

(Ord. 11134; passed Jan. 9, 1935: Ord. 11040 § 5; passed Apr. 4, 1934)

8.04.060 Use of word "value."

It shall be unlawful in advertising any goods, wares or merchandise, or securities or real estate, to use in connection with the word "value," or any synonymous term, any word or figures, as thus used, falsely or fraudulently conveying, or intended to convey, a meaning that the thing so advertised is intrinsically worth more than, or was previously sold in Tacoma for, a higher price than the price so presently advertised, or that a thing of similar quality or grade was previously sold in Tacoma for a higher price than the price so presently advertised.

(Ord. 11040 § 6; passed Apr. 4, 1934)

8.04.070 Opinion as to value.

It shall be no defense to a prosecution under Section 8.04.060 that the advertisement upon which the prosecution is based represents the opinion of the accused as to value, unless it is clearly stated in such advertisement that the representation as to value therein contained is a matter of opinion and not a statement of fact.

The words "value" and "worth," as used in this and the foregoing Section 8.04.060, shall be held and construed to mean the prevailing market price at which a thing is regularly sold in Tacoma.

(Ord. 11040 § 7; passed Apr. 4, 1934)

8.04.080 Use of words "values up to."

It shall be unlawful to advertise any lot of miscellaneous goods, wares or merchandise by using the statement "values up to" a certain price, or any other statement of like import, unless such person shall specifically state in such advertisement the name and number of such articles and the lowest price at which each of said articles was offered for sale to the public prior to said advertisement.

(Ord. 11040 § 8; passed Apr. 4, 1934)

8.04.090 Fact person advertising is dealer in advertised goods to appear in advertisement.

It shall be unlawful for any person engaged in the business of selling goods, wares or merchandise, securities, service or real estate to advertise the sale of the same unless it shall be stated in the advertisement of such sale, clearly and unequivocally, that said person advertising such sale of goods, wares or merchandise, securities, service or real estate is a dealer in the same; provided, however, that the advertisement of the sale of any goods, wares or merchandise, securities, service or real estate, in such form as to make it plainly apparent therefrom that the person so advertising is actually engaged in the business of selling such goods, wares or merchandise, securities, service or real estate as a business shall be deemed a sufficient compliance with the terms of this chapter.

(Ord. 11040 § 9; passed Apr. 4, 1934)

8.04.100 Accessory to violation punished as principal.

Every person concerned in any act or omission in violation of this chapter, whether he directly performs or omits to perform any act in violation of this chapter, or aids or abets the same, whether present or absent, and every person who directly or indirectly counsels, encourages, hires, commands, induces or otherwise procures another to commit such violation is, and shall be, a principal under the terms of this chapter, and shall be proceeded against and prosecuted as such.

(Ord. 11040 § 11; passed Apr. 4, 1934)

8.04.110 Publishers and printers of advertising exempt.

None of the provisions of this chapter shall apply to any person engaged in the business of commercial printing, any person engaged in the business of publishing any newspaper or periodical, or any agent of such persons, who publishes any such advertisement in good faith and without knowledge of the falsity thereof.

(Ord. 11040 § 12; passed Apr. 4, 1934)

8.04.120 Severability.

If any section, subsection, subdivision, sentence, clause or phrase of this chapter is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of this chapter.

(Ord. 11040 § 13; passed Apr. 4, 1934)

8.04.130 Violation – Penalties.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than $500.00, or by imprisonment in the Pierce County Jail for a period of not more than six months, or by both such fine and imprisonment.

(Ord. 22600 § 2; passed Dec. 29, 1981: Ord. 11040 § 10; passed Apr. 4, 1934)

CHAPTER 8.06
AIRCRAFT

Sections:

8.06.010 Definitions.
8.06.020 Exemptions – Government aircraft and aircraft licensed by foreign country.
8.06.030 Minimum height limitations.
8.06.040 Operators to be licensed.
8.06.050 Reckless operation – Under influence of narcotics or liquor.
8.06.060 Federal Aviation Administration traffic rules.
8.06.070 Acrobatics prohibited.
8.06.080 Landing at other than established airport.
8.06.085 Special permits – Authorized by City Manager.
8.06.090 Lights required for night flying.
8.06.100 *Repealed.*
8.06.110 Dropping objects from aircraft prohibited.
8.06.120 Loud-speaking devices prohibited.
8.06.130 Severability.
8.06.140 Violation – Penalties.

8.06.010 Definitions.

"Aircraft," as used in this chapter, means any airplane, gas bag, flying machine, balloon, or any contrivance now known or hereafter invented, used or designated for navigation of flight in air, except a parachute or other contrivance used primarily as safety equipment.

"Acrobatic flying," as used herein, means any intentional airplane maneuver or stunt not necessary to air navigation, or operation of aircraft in such manner as to endanger human life or safety by the performance of unusual or dangerous maneuvers.

(Ord. 13177 § 1; passed Aug. 20, 1947)

8.06.020 Exemptions – Government aircraft and aircraft licensed by foreign country.

The provisions of this chapter shall not apply to public aircraft of the Federal government, or of a state, or territory, or of a political subdivision of a state or territory, or to aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering operation of such aircraft.

(Ord. 13177 § 2; passed Aug. 20, 1947)

8.06.030 Minimum height limitations.

No person, firm or corporation shall fly or permit any aircraft to be flown over any part of the City of Tacoma at an altitude of less than 1,000 feet above the terrain, except while taking off or landing at an established landing field or airport, and except while taking off or landing on the waters of Commencement Bay or Puget Sound. The provisions of this section may be deviated from when special circumstances render a departure necessary to avoid immediate danger, or when such departure is required because of stress of weather conditions or other unavoidable cause or pursuant to the provisions of Section 8.06.085 of this chapter. Upon making application to the Chief of Police to take aerial photographs, permission may be granted by him to make flights over the City of Tacoma at an altitude of less than 1,000 feet.

(Ord. 20446 § 1; passed Jun. 10, 1975: Ord. 13177 § 3; passed Aug. 20, 1947)

8.06.040 Operators to be licensed.

No person shall operate any aircraft within or over the corporate limits of the City of Tacoma unless such person has an appropriate effective airman certificate, permit, rating or license issued by the United States authorizing him to engage in the particular class of aeronautics in which he is engaged, and unless such aircraft has an appropriate effective certificate, permit or license issued by the United States.

(Ord. 13177 § 4; passed Aug. 20, 1947)

8.06.050 Reckless operation – Under influence of narcotics or liquor.

It shall be unlawful for any person to operate an aircraft in the air, or on the ground or water, while under the influence of intoxicating liquor, narcotics, or other habit-forming drug, or to operate an aircraft in the air or on the ground or water, in a careless manner so as to endanger the life or property of another. In any proceeding charging careless or reckless operation of aircraft in violation of this section, the court, in determining whether the operation was careless or reckless, may consider the standards for safe operation of aircraft prescribed by Federal statutes or regulations governing aeronautics.

(Ord. 13177 § 5; passed Aug. 20, 1947)

8.06.060 Federal Aviation Administration traffic rules.

No person shall operate any aircraft over or within the City of Tacoma in violation of any valid air traffic or other rule or regulation established by the Federal Aviation Administration.

(Ord. 20446 § 2; passed Jun. 10, 1975: Ord. 13177 § 6; passed Aug. 20, 1947)

8.06.070 Acrobatics prohibited.

Acrobatic flying by any persons flying over any portion of the City of Tacoma is hereby prohibited.

(Ord. 13177 § 7; passed Aug. 20, 1947)

8.06.080 Landing at other than established airport.

Except in case of emergency, or pursuant to a special permit as provided in Section 8.06.085, no person shall land any aircraft within the corporate limits of the City of Tacoma, except upon a regularly established airport field, or landing place, or helicopter landing pads which are to be used by governmental subdivisions for official business.

(Ord. 19333 § 1; passed Apr. 6, 1971: Ord. 18259 § 1; passed Apr. 11, 1967: Ord. 13177 § 8; passed Aug. 20, 1947)

8.06.085 Special permits – Authorized by City Manager.

The City Manager is authorized to issue a special landing permit for helicopter landings at locations other than regularly established airports or helicopter landing pads. Said permit will extend for a period of one year and be issued to a helicopter operator, upon written application and after the applicant has filed with the City of Tacoma an aircraft liability insurance policy naming the City of Tacoma as an additional insured. The policy must provide not less than 30 days' notice of cancellation prior to the effective date thereof, with a combined single limit of not less than $1,500,000.00. The permit, and subsequent operations thereunder, shall be subject to such terms and conditions as the City Manager may impose. Any helicopter operator holding said permit will be required to report any planned landing to the City Manager and receive verbal authorization prior to landing. The permit will be renewable on a yearly basis only if the helicopter operator has demonstrated responsible operations and adequate concern for public health and safety.

(Ord. 20446 § 3; passed Jun. 10, 1975: Ord. 19333 § 2; passed Apr. 6, 1971)

8.06.090 Lights required for night flying.

All aircraft, when flying within or over the corporate limits of the City of Tacoma at night, shall have lights and other equipment required for such flying by the rules, regulations, or orders of the Federal Aviation Administration.

(Ord. 20446 § 4; passed Jun. 10, 1975: Ord. 13177 § 9; passed Aug. 20, 1947)

8.06.100 Unnecessary noise prohibited. *Repealed by Ord. 27673.*

(Ord. 27673 § 8; passed Feb. 19, 2008: Ord. 13177 § 10; passed Aug. 20, 1947)

8.06.110 Dropping objects from aircraft prohibited.

No person in any aircraft shall cause or permit to be thrown out, discharged or dropped within the corporate limits of the City of Tacoma, any object or thing, except loose water or loose sand ballast when absolutely essential to the safety of the occupants of the aircraft.

(Ord. 13177 § 11; passed Aug. 20, 1947)

8.06.120 Loud-speaking devices prohibited.

No person shall operate a loud-speaking device from any aircraft flying within or over the corporate limits of the City of Tacoma.

(Ord. 13177 § 12; passed Aug. 20, 1947)

8.06.130 Severability.

It is the intention of the City Council that each separate provision of this chapter shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that, if any provision of this chapter be declared invalid, all other provisions thereof shall remain valid and enforceable.

(Ord. 13177 § 14; passed Aug. 20, 1947)

8.06.140 Violation – Penalties.

Any person, firm or corporation violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not exceeding $500.00, or be imprisoned in the Pierce County Jail for a period of not more than six months, or be both so fined and imprisoned.

(Ord. 22600 § 3; passed Dec. 29, 1981: Ord. 13177 § 13; passed Aug. 20, 1947)

CHAPTER 8.07
BABY CHICKS AND RABBITS

Sections:

8.07.010 Unlawful to sell or give away in quantities less than six.
8.07.020 Artificial coloring prohibited.
8.07.030 Application of chapter.
8.07.040 Penalty for violations.

8.07.010 Unlawful to sell or give away in quantities less than six.

It shall be unlawful for any person, firm or corporation to sell or offer for sale, barter or give away, living baby chicks, rabbits, ducklings or other fowl under two months of age in any quantity less than six.

(Ord. 16066 § 1; passed Mar. 24, 1958)

8.07.020 Artificial coloring prohibited.

It shall be unlawful for any person, firm or corporation to sell, offer for sale, barter, give away, or display living baby chicks, rabbits, ducklings or other fowl, which have been dyed, colored or otherwise treated so as to impart to them an artificial color.

(Ord. 16066 § 2; passed Mar. 24, 1958)

8.07.030 Application of chapter.

This chapter shall not be construed to prohibit the sale or display of natural baby chicks, rabbits, ducklings, or other fowl in proper brooder facilities by hatcheries or stores engaged in the business of selling them for commercial purposes.

(Ord. 16066 § 3; passed Mar. 24, 1958)

8.07.040 Penalty for violations.

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not exceeding $500.00, or be imprisoned in the Pierce County Jail for a period of not more than six months, or be both so fined and imprisoned.

(Ord. 22600 § 4; passed Dec. 29, 1981: Ord. 16066 § 4; passed Mar. 24, 1958)

CHAPTER 8.08
REPEALED

ANIMALS – CRUELTY

Repealed by Ord. 26949

(Ord. 26949 § 4, passed Jul. 16, 2002: Ord. 22600 § 6; passed Dec. 29, 1981: Ord. 17482 § 1; passed Nov. 12, 1963: Ord. 1309; passed Aug. 5, 1898: Ord. 275 § 1, 3, 10; passed Sept. 5, 1889)

CHAPTER 8.09
REPEALED

COLD STORAGE LOCKERS – LIGHTING AND EMERGENCY BELL

Repealed by Ord. 25597

(Ord. 25597 § 3, passed Oct. 25, 1994)

CHAPTER 8.10
DEPOSIT OF TRASH IN OR AROUND CHARITABLE DONATION BOXES

Sections:

8.10.010 Deposit of trash in or around charitable donation boxes.
8.10.020 Posting of notice.
8.10.030 Violation – Penalty.

8.10.010 Deposit of trash in or around charitable donation boxes.

It is unlawful for any person to throw, drop, deposit, discard, or otherwise dispose of any: trash, including, but not limited to, items that have deteriorated to the extent that they are no longer of monetary value or of use for the purpose they were intended; garbage, including any organic matter; or litter in or around a receptacle which has been posted in accordance with Section 8.10.020, which receptacle has been provided by a charitable organization as defined in RCW 19.09.020(2) for the donation of clothing, property, or other thing of monetary value to be used for the charitable purposes of such organization.

(Ord. 24020 § 1; passed Jan. 26, 1988)

8.10.020 Posting of notice.

Charitable organizations must post a clearly visible notice on the donation receptacles warning of the existence and content of this chapter and the penalties for violation of its provisions, as well as a general identification of the items which are appropriate to be deposited in the receptacle.

(Ord. 24020 § 1; passed Jan. 26, 1988)

8.10.030 Violation – Penalty.

Any person, firm, corporation, or other legal entity found to have violated any provision of this chapter shall be guilty of a misdemeanor and shall be punished by a fine not exceeding $1,000.00 or by imprisonment not exceeding 90 days, or by both such fine and imprisonment. Upon a first conviction, there shall be imposed a fine of not less than $100.00 and, upon a second conviction, there shall be imposed a fine of not less than $500.00 and, upon a third or subsequent conviction, there shall be imposed a fine of not less than $1,000.00 or imprisonment for not more than 90 days, or by both such fine and imprisonment. Upon a conviction, and pursuant to a prosecution motion, the court shall also order immediate action by the person, firm, corporation, or other legal entity to correct the condition constituting the violation and to maintain the corrected condition in compliance with this chapter. The mandated minimum fines shall include statutory costs and assessments.

(Ord. 25556 § 2; passed Aug. 23, 1994)

CHAPTER 8.11
ARREST OF PERSONS SUBJECT TO COURT ORDER

Sections:

8.11.010 Person subject to court order defined.
8.11.020 Authority to arrest.

8.11.010 Person subject to court order defined.

As used in this chapter, "person subject to court order" means any person, adult or juvenile, currently subject to an order issued by any court in connection with a criminal charge or conviction which regulates his/her conduct within the City of Tacoma.

(Ord. 23963 § 1; passed Oct. 27, 1987)

8.11.020 Authority to arrest.

Whenever a police officer shall have probable cause to believe that a person subject to court order, during the effective period of such court order, is in such officer's presence and within the City of Tacoma, violating or failing to comply with any requirement or restriction imposed by the court, such officer shall cause the person subject to court order to be brought before the court which imposed such order, and for such purpose the police officer may arrest such person subject to court order without warrant or other process.

(Ord. 23963 § 1; passed Oct. 27, 1987)

CHAPTER 8.12
DISORDERLY CONDUCT

Sections:

8.12.010 Disorderly persons defined and enumerated.
8.12.011 Criminal attempt.
8.12.012 Liability for conduct of another – Complicity.
8.12.013 *Repealed.*
8.12.014 *Repealed.*
8.12.015 Disturbing meeting of Council, Board, Commission or Committee of City.
8.12.016 Disturbance of school functions.
8.12.020 Proof of guilt of conducting opium den.
8.12.025 Criminal trespass.
8.12.026 *Repealed.*
8.12.030 Confiscation of weapons and opium paraphernalia.
8.12.040 Violation – Penalties.
8.12.050 Severability of provisions.
8.12.060 Public disturbance noises.
8.12.065 Violation – Penalties.
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8.12.090 Sexual assault.
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8.12.114 Reporting of depictions of minor engaged in sexually explicit conduct – Civil immunity.
8.12.115 Sexual misconduct with a minor in the second degree.
8.12.120 Destruction of property.
8.12.150 Littering prohibited – Penalties.
8.12.160 Making or Possessing Burglary or Auto Theft Tools.
8.12.170 *Repealed.*
8.12.180 *Expired.*

8.12.010 Disorderly persons defined and enumerated.

The following persons are hereby declared to be disorderly persons:

1. Any person fighting or quarreling or inciting or encouraging others to fight in any public place in the City of Tacoma.

2. Any person who shall intentionally prevent or attempt to prevent a police officer or peace officer of the City of Tacoma from lawfully arresting him or her, or who shall aid or assist any person in the custody of any police officer or peace officer to escape or attempt to escape from such custody.

3. Any person who shall interfere with any police officer or any peace officer of the City, or who shall refuse when called upon to assist him or her in the discharge of his or her duty.

4. Any person who shall be guilty of fast or immoderate driving or riding of horses on any of the streets, highways, or alleys of the City, or who shall ride or drive upon any sidewalk except a proper street crossing, or who shall obstruct any sidewalk, street, highway, or alley in said City in any manner.

5. Any person who, for the purpose of annoyance or mischief, shall place in any doorway or on any sidewalk, street, or alley in the City any box or other thing, or who shall tear down, destroy, or mutilate any notice or handbill lawfully posted in the City.

6. Any person, except the police officers of the City, engaged in the lawful discharge of their duty, and persons practicing at target shooting in a duly licensed shooting gallery who shall fire off or discharge any bomb, gun, pistol, or firearm of any kind within the City limits.

7. Any person who shall place any object which is not securely fastened upon any window sill or other outside portion of a building in such a position as to be above or near to a street or sidewalk, or who shall permit any such object to remain in such position upon any such building or part of a building of which he or she shall be in possession.

8. Repealed.

9. Any person who shall have in his or her possession or shall permit to be placed or kept in a building, room, or place owned, leased, or occupied by him or her in the City, any table, slot machine, or other article, device, or apparatus of a kind commonly used for gambling or operated for the losing or winning of money or property, or any representative of either, upon any chance, uncertain, or contingent event, which is not authorized by Chapter 9.46 RCW and the Official Code of the City of Tacoma.

10. Any person or persons in the City who shall play at any game of chance for profit not specifically authorized by the State of Washington, pursuant to Chapter 9.46 RCW, as now or hereafter amended, or who is knowingly in the actual or constructive presence of unlawful gambling. Unlawful gambling is defined as gambling not authorized by the State of Washington pursuant to Chapter 9.46 RCW as now or hereafter amended.

11. Repealed.

12. Repealed.

13. Repealed.

14. Any person who, by act or omission, encourages, causes, or contributes to the dependency or delinquency of a minor under 18 years of age.

15. Repealed.

16. Repealed.

(Ord. 27842 Ex. A; passed Oct. 20, 2009: Ord. 27506 § 11; passed Jul. 25, 2006: Ord. 26117 § 1; passed Aug. 19, 1997: Ord. 25236 § 1; passed Dec. 22, 1992: Ord. 24895 § 1; passed Apr. 30, 1991: Ord. 24765 § 1; passed Nov. 20, 1990: Ord. 24706 § 1; passed Aug. 14, 1990: Ord. 24614 § 1; passed Apr. 17, 1990: Ord. 24418 § 1; passed Aug. 29, 1989: Ord. 24464 § 1; passed Nov. 7, 1989: Ord. 23859 § 1; passed May 19, 1987: Ord. 23820 § 1; passed Mar. 31, 1987: Ord. 23682 § 1; passed Sept. 2, 1986: Ord. 23566 § 1; passed Feb. 11, 1986: Ord. 23549 § 1; passed Jan. 28, 1986: Ord. 23373 §§ 1, 2; passed Apr. 9, 1985: Ord. 23332 § 1; passed Jan. 29, 1985: Ord. 22996 § 1; passed Aug. 30, 1983: Ord. 22600 §§ 9, 10 and 11; passed Dec. 29, 1981: Ord. 21761 § 1; passed Jul. 10, 1979: Ord. 20785 § 1; passed Jun. 29, 1976: Ord. 20466 § 1; passed Jul. 1, 1975: Ord. 20271 § 1; passed Dec. 26, 1974: Ord. 19973 § 1; passed Oct. 30, 1973: Ord. 19961 § 1; passed Oct. 30, 1973: Ord. 19766 § 1; passed Mar. 13, 1973: Ord. 19451 § 1; passed Oct. 5, 1971: Ord. 19065 § 1; passed Mar. 31, 1970: Ord. 18952 § 1; passed Nov. 5, 1969: Ord. 18919 § 1; passed Sept. 9, 1969: Ord. 18797; passed Apr. 15, 1969: Ord. 18669; passed Oct. 22, 1968: Ord. 18649; passed Sept. 10, 1968: Ord. 18495; passed Sept. 6, 1968: Ord. 18338; passed Jul. 15, 1967: Ord. 18289; passed May 16, 1967: Ord. 18258: Ord. 18065 § 1: Ord. 17485 § 3; passed Nov. 12, 1963: Ord. 16059 § 1; passed Mar. 17, 1958)

8.12.011 Criminal attempt.

A. A person is guilty of an attempt to commit a crime if, with intent to commit a specific crime, he does any act:

1. Which is a substantial step toward the commission of that crime; and

2. Which strongly corroborates his intent to commit that crime.

B. If the conduct in which a person engages otherwise constitutes an attempt to commit a crime, it is no defense to a prosecution of such attempt that the crime charged to have been attempted was, under the attendant circumstances, factually or legally impossible of commission, if such crime could have been committed had the attendant circumstances been as such person believed them to be.

C. When the actor's conduct would otherwise constitute a criminal attempt under this section, it is an affirmative defense that, under circumstances manifesting a complete and voluntary renunciation of his criminal intent, he:

1. Abandoned his effort to commit the crime; or

2. Prevented the commission of the crime.

D. A person may not be convicted on the basis of the same course of conduct of both an attempt to commit an offense and either complicity in or the commission of that offense.

E. Any person convicted of criminal attempt as provided in this section shall be guilty of a misdemeanor and shall be punished by a fine not exceeding $500.00, or by imprisonment in the Pierce County Jail for a period of not more than six months, or by both such fine and imprisonment.

(Ord. 22600 § 12; passed Dec. 29, 1981)

8.12.012 Liability for conduct of another – Complicity.

A. A person is guilty of an offense if it is attempted or committed by the conduct of another person for which he or she is legally accountable.

B. A person is legally accountable for the conduct of another person when:

1. Acting with the kind of culpability that is sufficient for the commission of the offense, he or she causes an innocent or irresponsible person to engage in such conduct; or

2. He or she is made accountable for the conduct of such other person by this title or by the law defining the offense; or

3. He or she is an accomplice of such other person in the commission of the offense.

C. A person is an accomplice of another person in the commission of an offense if:

1. With the intent of promoting or facilitating the commission of the offense, he or she:

a. Solicits, commands, or requests such other person to commit it; or

b. Aids or agrees to aid such other person in planning or committing it; or

2. His or her conduct is expressly declared by law to establish his or her complicity.

D. A person who is legally incapable of committing a particular offense himself may be guilty thereof if it is committed by the conduct of another person for which he or she is legally accountable, unless such liability is inconsistent with the purpose of the provision establishing his or her incapacity.

E. Unless otherwise provided by this title or by the law defining the offense, a person is not an accomplice in an offense committed by another person if:

1. He or she is a victim of that offense; or

2. The offense is so defined that his or her conduct is inevitably incident to its commission; or

3. He or she terminates his or her complicity prior to the commission of the offense and:

a. Deprives it of effectiveness in the commission of the offense, or

b. Gives timely warning to the law enforcement authorities or otherwise makes a good faith effort to prevent the commission of the offense.

F. An accomplice may be convicted on proof of the commission of the offense and of his complicity therein, though the person claimed to have committed the offense has not been prosecuted or convicted or has been prosecuted or convicted or has been acquitted.

G. A person may not be convicted on the basis of the same course of conduct of both the commission of and complicity in that offense.

H. Any person convicted of complicity as provided in this section shall be guilty of a misdemeanor and shall be punished by a fine not exceeding $500.00, or by imprisonment in the Pierce County Jail for a period of not more than six months, or by both such fine and imprisonment.

(Ord. 23137 § 1; passed Mar. 23, 1984)

8.12.013 Criminal assault. *Repealed by Ord. 28231.*

(Repealed by Ord. 28231 Ex. A; passed Jul. 8, 2014: Ord. 25170 § 1; passed Sept. 1, 1992: Ord. 23373 § 3; passed Apr. 9, 1985)

8.12.014 Reckless endangerment. *Repealed by Ord. 28231.*

(Repealed by Ord. 28231 Ex. A; passed Jul. 8, 2014: Ord. 23961 § 1; passed Oct. 27, 1987)

8.12.015 Disturbing meeting of Council, Board, Commission or Committee of City.

Any person attending a meeting of the Council of the City of Tacoma, or of any duly constituted Board, Commission or Committee or hearing of said City, other than a member thereof, who shall, by noisy, riotous or tumultuous conduct, disturb the peace and quiet of the meeting or hearing, or who shall in any manner engage in annoying or insulting conduct which tends to disturb, impair, or impede the orderly conduct of the meeting or hearing, or who shall, after any ruling of the chairman or presiding officer which has not been overruled by such body, refuse to comply with the ruling, or who shall use profane or insulting language in addressing the Council, Board, Commission or Committee or hearing, or any member thereof,

or who shall knowingly misrepresent any material fact to the City Council, shall be guilty of disorderly conduct and, upon conviction thereof, shall be punished by a fine not exceeding $500.00 or by imprisonment in the Pierce County Jail for a period of not more than six months, or by both such fine and imprisonment.

(Ord. 22574 § 1; passed Dec. 8, 1981: Ord. 16930 § 1; passed Dec. 5, 1961)

8.12.016 Disturbance of school functions.

Any person who wilfully disturbs any school or school meeting, or who in any manner engages in annoying or insulting conduct which tends to disturb, disrupt, impair or impede the orderly conduct of the school or school meeting, or who in any manner shall interfere with, impede or impair the regular and organized curriculum of the school or institution of higher learning shall be guilty of disorderly conduct and, upon conviction thereof, shall be punished by a fine not exceeding $500.00 or by imprisonment in the Pierce County Jail for a period not exceeding six months, or both, in the discretion of the court.

(Ord. 22600 § 13; passed Dec. 29, 1981: Ord. 18649 § 2; passed Sept. 10, 1968)

8.12.020 Proof of guilt of conducting opium den.

In order to prove the guilt of any person who shall conduct or maintain a place where opium may be used, it shall not be necessary that any person should be found using opium in any manner therein, but the finding in the place of opium, pipes, or other appliances used for the purpose of smoking or inhaling opium shall be deemed sufficient evidence of the violation of this chapter; nor shall it be necessary in order to prove the guilt of or to convict a person who shall visit such place for the purpose of using opium, that he or she shall be found in the act of using opium in any manner, but evidence that such person was found in such place in the possession of opium, pipes or other appliances for the use of opium, or under the influence of opium, shall be deemed sufficient evidence for conviction.

(Ord. 10883 § 2; passed Dec. 7, 1932)

8.12.025 Criminal trespass.

A. 1. A person is guilty of criminal trespass in the first degree if he or she knowingly enters or remains unlawfully in a building.

2. Criminal trespass in the first degree is a gross misdemeanor.

B. 1. A person is guilty of criminal trespass in the second degree if he or she knowingly enters or remains unlawfully in or upon premises of another under circumstances not constituting criminal trespass in the first degree.

2. Criminal trespass in the second degree is a misdemeanor.

C. The following definitions apply to this section:

1. “Premises” includes any building, dwelling or any real property.

2. “Building” includes any public or private structure.

3. “Enters Unlawfully.” A person enters unlawfully in or upon premises when he or she is not then licensed, invited or otherwise privileged to so enter.

4. “Remains Unlawfully.” A person remains unlawfully in or upon premises when he or she is not then licensed, invited or otherwise privileged to so remain or has been warned to leave by the owner or occupant, occupant’s agent, or a security or peace officer.

A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of a building which is not open to the public. A person who enters or remains upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, does so with license and privilege unless notice against trespass is personally communicated to him by the owner of the land or some other authorized person, or unless notice is given by posting in a conspicuous manner. Land that is used for commercial aquaculture or for growing an agricultural crop or crops, other than timber, is not unimproved and apparently unused land if a crop or any other sign of cultivation is clearly visible or if notice is given by posting in a conspicuous manner. Similarly, a field fenced in any manner is not unimproved and apparently unused land. A license or privilege to enter or remain on improved and apparently used land that is open to the public at particular times, which is neither fenced nor otherwise enclosed in a manner to exclude intruders, is not a license or privilege to enter or remain on the land at other times if notice of prohibited times of entry is posted in a conspicuous manner.

D. In any prosecution under subsections A and B above, it is a defense that:

1. A building involved in an offense under subsections A and B, above, was abandoned; or

2. The premises were at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the premises; or

3. The actor reasonably believed that the owner of the premises, or other person empowered to license access thereto, would have licensed him to enter or remain.

4. The actor was attempting to serve legal process, which includes any document required or allowed to be served upon persons or property, by any statute, rule, ordinance, regulation, or court order, excluding delivery by the mails of the United States. This defense applies only if the actor did not enter into a private residence or other building not open to the public and the entry onto the premises was reasonable and necessary for service of the legal process.

(Ord. 27546 § 1; passed Nov. 14, 2006: Ord. 24937 § 1; passed Jul. 2, 1991: Ord. 20702 § 1; passed Apr. 13, 1976)

8.12.026 Vehicle prowling. *Repealed by Ord. 28178.*

(Repealed by Ord. 28178 Ex. A; passed Oct. 8, 2013: Ord. 20702 § 1; passed Apr. 13, 1976)

8.12.030 Confiscation of weapons and opium paraphernalia.

When any person is found guilty of carrying a concealed weapon, or of keeping or maintaining a place where opium may be used, or of visiting such place for the purpose of using opium, as provided in this chapter, the weapon or weapons found with the person convicted of carrying the same, and the opium, opium pipes, and other paraphernalia or equipment for the smoking or using of opium found in the place of the person convicted of keeping or maintaining a place where opium may be used, or upon the person visiting the place, shall be confiscated by the Chief of Police of the city.

(Ord. 10883 § 4; passed Dec. 7, 1932)

8.12.040 Violation – Penalties.

Any person convicted of being a disorderly person as provided herein shall be guilty of a misdemeanor and shall be punished by a fine not exceeding $500.00, or by imprisonment in the Pierce County Jail for a period not exceeding six months, or both, in the discretion of the court.

(Ord. 22600 § 14; passed Dec. 29, 1981: Ord. 19312 § 1; passed Mar. 9, 1971: Ord. 10883 § 3; passed Dec. 7, 1932)

8.12.050 Severability of provisions.

If any provision of this chapter, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this chapter or the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

(Ord. 18863 § 1; passed Jun. 17, 1969)

8.12.060 Public disturbance noises.

A. It is unlawful for any person to cause, or for any person in possession of property to allow originating from the property, sound that is:

1. an unreasonable noise, as defined in subsection 8.122.010(KK) TMC; or

2. any sound that is plainly audible (as that term is defined in Chapter 8.122 TMC) within any dwelling unit; or

3. any sound produced by a sound reproduction device (as that term is defined in Section 8.122.010) that is plainly audible (as that term is defined in Section 8.122.010 TMC) 50 feet from the source of the sound; Provided, that this subsection c shall not apply to commercial music under TMC 8.122.100; or

4. Commercial music in excess of the limitations set forth in TMC 8.122.100.

B. In addition to the provisions of Section 8.12.060(1), the following sounds are determined to be public disturbance noises:

1. The frequent, repetitive, or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;

2. The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine within a residential district, so as to disturb or interfere with the peace, comfort, and repose of a reasonable person of normal sensibilities.

C. Yelling, shouting, hooting, whistling or singing on or near the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time and place so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;

D. The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment, or condominium, which unreasonably interfere with the peace, comfort, and repose of owners or possessors of real property, such as sounds from audio equipment, musical instruments, band sessions, or social gatherings;

E. Sound from audio equipment, such as tape players, radios, and compact disc players, operated at a volume so as to be audible greater than 50 feet from the source, and if not operated upon the property of the operator.

The foregoing provisions shall not apply to regularly scheduled events at parks, such as public address systems for baseball games or park concerts.

F. Noise from an animal that unreasonably disturbs one or more person's reasonable expectation of peace and quiet. Factors to be considered in making such a determination include, but are not limited to, the nature, duration, volume, frequency, time, and location of the noise.

(Ord. 27956 Ex. A; passed Dec. 14, 2010: Ord. 27673 Ex. D; passed Feb. 19, 2008: Ord. 26949 § 5; passed Jul. 16, 2002: Ord. 24464 § 2; passed Nov. 7, 1989)

8.12.065 Violation – Penalties.

Any person, entity, firm, or corporation convicted of violating the provisions of Section 8.12.060 of this chapter shall be guilty of a misdemeanor, the maximum penalty for which shall be 90 days in jail or a fine of $1,000.00, or both such fine and imprisonment. Upon a first such conviction, the fine shall be $500.00, of which $250.00 shall not be suspended or deferred, and a fine of $700.00 shall be imposed for each subsequent violation, of which $300.00 shall not be suspended or deferred. Mandated minimums shall include statutory costs and assessments.

(Ord. 25324 § 1; passed Jun. 29, 1993: Ord. 24464 § 2; passed Nov. 7, 1989)

8.12.070 Compression brakes.

A. Except as provided in this chapter, no person shall use motor vehicle compression brakes within the corporate limits of the City of Tacoma. It shall be an affirmative defense to prosecution under this section that compression brakes were applied in an emergency to protect persons and or property.

B. This chapter shall not apply to vehicles of any municipal fire department, whether or not responding to an emergency.

C. As used in this chapter, the term "compression brakes" means a device which, when manually activated, retards the forward motion of a motor vehicle by the compression of the engine of the vehicle or any unit or part of the engine. "Compression brakes" are also referred to as "jake brakes."

D. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, punishable by a fine not less than $100.00, and not to exceed $1,000.00

(Ord. 25989 § 1; passed Dec. 10, 1996)

8.12.090 Sexual assault.

A. A person is guilty of sexual assault when he or she intentionally commits an non-consensual touching, caressing, or fondling of the genitals or female breasts, whether or not covered or clothed, of another.

B. Any person convicted of sexual assault shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed $5,000.00 or a jail sentence not to exceed one year, or by both such fine and jail sentence.

(Ord. 23965 § 1; passed Nov. 3, 1987)

8.12.100 Indecent liberties. *Repealed by Ord. 27643.*

(Ord. 27643 Ex. A; passed Sep. 18, 2007: Ord. 24020 § 2; passed Jan. 26, 1988: Ord. 23356 § 1; passed Mar. 12, 1985)

8.12.110 Sexual Assault Protection Order.

Chapter 7.90 RCW, "Sexual Assault Protection Order," as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is excluded.

(Ord. 27638 Ex. A; passed Aug. 28, 2007)

8.12.111 Indecent Exposure

RCW 9A.88.010, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is excluded.

(Ord. 27643 Ex. A; passed Sep. 18, 2007)

8.12.112 Allowing minor on premises of live erotic performance.

RCW 9.68A.150, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties.

(Ord. 27642 Ex. A; passed Sep. 18, 2007)

8.12.113 Communication with minor for immoral purposes.

RCW 9.68A.090, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties.

(Ord. 27642 Ex. A; passed Sep. 18, 2007)

8.12.114 Reporting of depictions of minor engaged in sexually explicit conduct – Civil immunity.

RCW 9.68A.080, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties.

(Ord. 27642 Ex. A; passed Sep. 18, 2007)

8.12.115 Sexual misconduct with a minor in the second degree.

RCW 9A.44, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties.

(Ord. 27642 Ex. A; passed Sep. 18, 2007)

8.12.120 Destruction of property.

A. Any person who intentionally and without legal authority causes physical damage to any property of another in willful disregard of the owner's rights in the property is guilty of destruction of property.

B. "Property" means anything of value, whether tangible or intangible, real or personal.

C. Any person convicted of destruction of property shall be guilty of a gross misdemeanor and shall be punished by a fine not exceeding $5,000 or by imprisonment for a period of not more than one year, or by both such fine and imprisonment.

(Ord. 27842 Ex. A; passed Oct. 20, 2009: Ord. 25478 § 1; passed May 3, 1994: Ord. 23867 § 1; passed Jun. 2, 1987)

8.12.150 Littering prohibited – Penalties.

A. No person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in the City or upon private property in this City not owned by him or her or in the waters within the City boundaries, whether from a vehicle or otherwise, including, but not limited to, any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, court, alley, or sidewalk, except:

1. When such property is designated by the City or the State, or by any of the State's agencies or political subdivisions, for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose.

2. Into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of said private or public property or waters.

B. Any person violating the provisions of this section shall be guilty of a misdemeanor and the fine for such violation shall not be less than $50.00 for each offense. In addition thereto, except where infirmity or age or other circumstance would create a hardship, such person shall be directed by the court in which conviction is obtained to pick up and remove litter from public property and/or private property, with prior permission of the legal owner, for not less than eight hours nor more than 16 hours for each separate offense. The court shall schedule the time to be spent on such activities in such a manner that it does not interfere with the person's employment and does not interfere substantially with the person's family responsibilities.

(Ord. 23860 § 1; passed May 19, 1987)

8.12.160 Making or Possessing Burglary or Auto Theft Tools.

A. Every person who shall make or mend, or cause to be made or mended, or have in his or her possession, any engine, machine, tool, false key, electronic chip keys, electronic/fuel system bypass systems, pick lock, bit, nippers, implement, or any other implement listed in subsection B, that is adapted, designed, or commonly used for the commission of burglary or vehicle-related theft, under circumstances evincing an intent to use or employ, or allow the same to be used or employed in the

commission of a burglary, or vehicle-related theft, or knowing that the same is intended to be so used, shall be guilty of making or having burglary tools or auto theft tools.

B. The following tools are to be considered prohibited implements: slim jim, false master key, master purpose key, altered or filed key, electronic chip key, electronic/fuel system bypass system, trial (jiggler) key, slide hammer, lock puller, or any other implement shown by facts and circumstances is intended to be used in the commission of a burglary or vehicle-involved theft.

C. For the purposes hereof, the following definitions shall apply:

1. "False master key" or "master key." Any key or other device made or altered to fit premises or multiple vehicles or vehicles other than that for which the key was originally manufactured.

2. "Altered key." Any key so altered by cutting, filing, or other means, to fit premises or multiple vehicles or vehicles other than the vehicle for which the key was originally manufactured.

3. "Trial (jiggler) key." Any key or set of keys designed or altered to manipulate a premises-locking or vehicle-locking mechanism other than the lock for which the key was originally manufactured.

4. "Electronic chip key" and "electronic/fuel system bypass system." After market items that are used to bypass the OEM (original equipment manufactured) anti-theft system of premises or vehicles that have smart keys. This includes a wiring harness that has been modified or produced in such a way to also bypass the use of the manufactured fuel cut off system or smart key.

D. It shall be prima facie evidence of "circumstances evincing an intent to use for commission of burglary or vehicle-related theft" for a person to be in possession of multiple vehicle keys or altered vehicle keys unless such person is a bona fide locksmith or an employee of a licensed auto dealer or other position for which the possession of such keys is required in the performance of his or her duties.

E. Making or possessing burglary or auto theft tools is a gross misdemeanor.

(Ord. 27163 § 1; passed Nov. 18, 2003)

8.12.170 Stalking. *Repealed by Ord. 28231.*

(Repealed by Ord. 28231 Ex. A; passed Jul. 8, 2014: Ord. 27187 § 1; passed Jan. 20, 2004)

8.12.180 Unlawful Camping. *Expired December 31, 2019.*[1]

(Ord. 28566 Ex. A; passed Dec. 11, 2018: Ord. 28478 § 1; passed Dec. 12, 2017: Ord. 28458 § 1; passed Oct. 3, 2017: Ord. 28438 Ex. A; passed Jul. 11, 2017)

[1] Code reviser's note: Section 8.12.180 was effective from July 11, 2017 to December 31, 2019.

CHAPTER 8.13
OBSTRUCTING PEDESTRIANS OR TRAFFIC

Sections:

8.13.010 Unlawful acts designated.
8.13.020 Violation – Penalties.
8.13.030 Vehicular or pedestrian interference.

8.13.010 Unlawful acts designated.

It shall be unlawful for persons to collect, assemble, or group together and, after being so collected, assembled, or grouped together, to stand or loiter, on any sidewalk, parking strip, or any street corner, or any other place in the City, to the hindrance or obstruction to free passage of any person or persons passing on or along any sidewalk or street in the City of Tacoma.

(Ord. 22600 § 15; passed Dec. 29, 1981)

8.13.020 Violation – Penalties.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and, on conviction, shall be fined in a sum not exceeding $100.00, or imprisoned in the Pierce County Jail for a term not exceeding 30 days, or may be both so fined and imprisoned.

(Ord. 22600 § 15; passed Dec. 29, 1981)

8.13.030 Vehicular or pedestrian interference.

A. The following definitions apply in this section:

1. "Obstruct pedestrian or vehicular traffic" means to walk, stand, sit, lie, or place an object in such a manner as to block passage by another person or a driver of a vehicle, or to cause another person or a driver of a vehicle to take evasive action to avoid physical contact. Acts authorized by a permit issued pursuant to the Tacoma Municipal Code, such as under Titles 9 and 10, shall not constitute obstruction of pedestrian or vehicular traffic.

2. "Public place" means an area generally visible to public view and includes alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks and streets open to the general public, including those that serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

B. A person is guilty of pedestrian interference if, in a public place, he or she intentionally obstructs pedestrian or vehicular traffic.

C. Pedestrian interference may be punished by a fine not to exceed $1,000 or by imprisonment in jail for a term not to exceed 90 days, or by both such fine and imprisonment.

(Ord. 27600 § 3, Exhibit A; passed Apr. 3, 2007: Ord. 24895 § 2; passed Apr. 30, 1991)

CHAPTER 8.13A
REGULATION OF SOLICITATION

8.13A.010 Purpose.
8.13A.020 Definitions.
8.13A.030 Place of solicitation.
8.13A.040 Solicitation by Coercion.
8.13A.050 Evidence.
8.13A.060 Penalties.

8.13A.010 Purpose.

The purpose of this chapter is to protect citizens from the fear and intimidation accompanying certain kinds of solicitation, to promote tourism and business, and to preserve the quality of urban life while providing safe and appropriate venues for constitutionally protected activity.

(Ord. 27600 § 4, Exhibit B; passed Apr. 3, 2007)

8.13A.020 Definitions.

In this chapter:

A. "Automated teller machine" means a machine, other than a telephone:

1. that is capable of being operated by a customer of a financial institution;

2. by which the customer may communicate to the financial institution a request to withdraw, deposit, transfer funds, make payment, or otherwise conduct financial business for the customer or for another person directly from the customer's account or from the customer's account under a line of credit previously authorized by the financial institution for the customer; and

3. the use of which may or may not involve personnel of a financial institution.

B. "Coercion" means:

1. to approach or speak to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with either imminent bodily injury or the commission of a criminal act upon the person or another person or upon property in the person's immediate possession;

2. to persist in a solicitation after the person solicited has given a negative response;

3. to block, either individually or as part of a group of persons, the passage of a solicited person;

4. to engage in conduct that would reasonably be construed as intended to compel or force a solicited person to accede to demands;

5. to use violent or threatening gestures toward a person;

6. willfully providing or delivering, or attempting to provide or deliver, unrequested or unsolicited services or products with a demand or exertion of pressure for payment in return; or

7. to use profane, offensive, or abusive language, which is inherently likely to provoke an immediate violent reaction.

C. "Exterior public pay telephone" means any coin or credit card reader telephone that is:

1. installed or located anywhere on a premises except exclusively in the interior of a building located on the premises; and

2. accessible and available for use by members of the general public.

D. "Public transportation facility" means a facility or designated location that is owned, operated, or maintained by a city, county, county transportation authority, public transportation benefit area, regional transit authority, or metropolitan municipal corporation within the state.

E. "Public transportation stop" means an area officially marked and designated as a place to wait for a bus, a light rail vehicle, or any other public transportation vehicle that is operated on a scheduled route with passengers paying fares on an individual basis.

F. "Public transportation vehicle" has the meaning given that term in RCW 46.04.355, as currently adopted or as it may be amended in the future.

G. "Self-service car wash" means a structure:

1. at which a vehicle may be manually washed by its owner or operator with equipment that is activated by the deposit of money in a coin-operated machine; and

2. that is accessible and available for use by members of the general public.

H. "Self-service fuel pump" means a fuel pump:

1. from which a vehicle may be manually filled with gasoline or other fuel directly by its owner or operator, with or without the aid of an employee or attendant of the premises at which the fuel pump is located; and

2. that is accessible and available for use by members of the general public.

I. "Solicit" and all derivative forms of "solicit" means to ask, beg, solicit, or plead, whether orally or in a written or printed manner, for the purpose of immediately receiving contributions, alms, charity, or gifts of items of value for oneself or another person.

(Ord. 27600 § 4, Exhibit B; passed Apr. 3, 2007)

8.13A.030 Place of solicitation.

A. Solicitation near designated locations and facilities.

1. It is unlawful for any person to solicit another person within 15 feet of:

a. an automated teller machine;

b. the entrance of a building, unless the solicitor has permission from the owner or occupant;

c. an exterior public pay telephone;

d. a self-service car wash;

e. a self-service fuel pump;

f. a public transportation stop; or

g. any parked vehicle as occupants of such vehicle enter or exit such vehicle.

2. It is unlawful for a person to solicit another person:

a. on private property, unless the solicitor has permission from the owner or occupant;

b. after sunset or before sunrise;

c. in any public transportation facility or vehicle.

B. For purposes of subsection A, measurement will be made in a straight line, without regard to intervening structures or objects, from the nearest point at which a solicitation is being conducted to whichever is applicable of the following:

1. the nearest entrance or exit of a facility in which an automated teller machine is enclosed or, if the machine is not enclosed in a facility, to the nearest part of the automated teller machine;

2. the nearest entrance or exit of a building;

3. the nearest part of an exterior public pay telephone;

4. the nearest part of the structure of a self-service car wash;

5. the nearest part of a self-service fuel pump;

6. the nearest point of any sign or marking designating an area as a public transportation stop; or

7. any door of a parked vehicle that is being used by an occupant of such vehicle to enter or exit such vehicle.

(Ord. 27600 § 4, Exhibit B; passed Apr. 3, 2007)

8.13A.040 Solicitation by Coercion.

It is unlawful for a person to solicit by coercion.

(Ord. 27600 § 4, Exhibit B; passed Apr. 3, 2007)

8.13A.050 Evidence.

Evidence to support a conviction for a violation of this chapter may include, but is not limited to, testimony of witnesses, videotape evidence of the violation, and other admissible evidence.

(Ord. 27600 § 4, Exhibit B; passed Apr. 3, 2007)

8.13A.060 Penalties.

Violation of Section 8.13A.030 shall be a misdemeanor and, upon conviction thereof, a person is subject to a penalty of $1,000, incarceration for up to 90 days, or both a fine and a penalty. Violation of Section 8.13A.040 shall be a gross misdemeanor and, upon conviction thereof, a person is subject to a penalty of $5,000, incarceration for up to one year, or both a fine and a penalty.

(Ord. 27600 § 4, Exhibit B; passed Apr. 3, 2007)

CHAPTER 8.13B
SOLICITATIONS TO OCCUPANTS OF VEHICLES ON PUBLIC ROADWAYS PROHIBITED

8.13B.010 Purpose.
8.13B.020 Definitions.
8.13B.030 Prohibited conduct.
8.13B.040 Evidence.
8.13B.050 Penalty.

8.13B.010 Purpose.

The purpose of this chapter is to protect citizens from the fear and intimidation accompanying certain kinds of solicitation and to provide for vehicular and pedestrian traffic safety.

(Ord. 27600 § 5, Exhibit C; passed Apr. 3, 2007)

8.13B.020 Definitions.

In this chapter:

A. "Goods" means real property, as well as tangible and intangible personal property.

B. "Public property" means:

1. any property open or devoted to public use or owned by the City; and

2. any area dedicated to the public use for sidewalk, street, highway, or other transportation purposes, including, but not limited to, any curb, median, parkway, shoulder, sidewalk, alley, drive, or public right-of-way.

C. "Roadway" has the meaning given that term in RCW 46.04.500, as currently adopted or as it may be amended in the future.

D. "Services" means any work done for the benefit of another person.

E. "Solicit" and all derivative forms of "solicit" means any conduct or act whereby a person:

1. either orally or in writing, asks for an immediate ride, employment, goods, services, financial aid, monetary gifts, or any article representing monetary value, for any purpose;

2. either orally or in writing, sells or offers for immediate sale goods, services, or publications;

3. distributes without remuneration goods, services, or publications; or

4. solicits signatures on a petition or opinions for a survey.

F. "Vehicle" has the meaning given that term in RCW 46.04.670, as currently adopted or as it may be amended in the future.

(Ord. 27600 § 5, Exhibit C; passed Apr. 3, 2007)

8.13B.030 Prohibited conduct.

A. It is unlawful for any person, while occupying any public property adjacent to any public roadway in the City, to knowingly conduct a solicitation directed to, or intended to attract the attention of, the occupant of any vehicle stopped or traveling on the roadway, unless said vehicle is legally parked. An offense occurs when the solicitation is made, whether or not an actual employment relationship is created, a transaction is completed, or an exchange of money, goods, or services takes place. PROVIDED, that nothing herein shall be construed to prohibit activity authorized pursuant to Tacoma Municipal Code Chapter 11.15, Special Events Permitting Code.

B. It is a defense to prosecution under Section 8.13B.030 that the person was:

1. summoning aid or requesting assistance in an emergency situation; or

2. a law enforcement officer in the performance of official duties.

(Ord. 27600 § 5, Exhibit C; passed Apr. 3, 2007)

8.13B.040 Evidence.

Evidence to support a conviction for a violation of this chapter may include, but is not limited to, testimony of witnesses, videotape evidence of the violation, and other admissible evidence.

(Ord. 27600 § 5, Exhibit C; passed Apr. 3, 2007)

8.13B.050 Penalty.

Violation of this chapter shall be a misdemeanor and, upon conviction thereof, a person is subject to a penalty of $1,000, incarceration for up to 90 days, or both a fine and a penalty.

(Ord. 27600 § 5, Exhibit C; passed Apr. 3, 2007)

CHAPTER 8.14
DISPLAY OF CERTAIN FLAGS PROHIBITED

Repealed by Ord. 25596

(Ord. 25596 § 1; passed Oct. 4, 1994)

CHAPTER 8.16
DISPLAY OF U.S. FLAG REGULATIONS

Sections:

8.16.010 Definitions.
8.16.020 Application of chapter.
8.16.030 Advertisements prohibited on flag.
8.16.040 Representation of flag prohibited on merchandise.
8.16.050 Use of flag to advertise business prohibited.
8.16.060 Defacing flag unlawful.
8.16.070 Violation – Penalties.

8.16.010 Definitions.

The words "flag," "color" and "ensign," as used in this chapter, shall include any flag, standard, ensign, or any picture or representation, or either thereof, made of any substance, or represented on any substance, and of any size, evidently purporting to be either of said flag, standard, color, or ensign of the United States of America, or a picture, or a representation of either thereof, upon which shall be shown the colors, the stars, and the stripes, in any number of either thereof, or by which the person seeing the same without deliberation may believe the same to represent the flag, color, or ensign of the United States of America.

(Ord. 6593 § 5; passed Apr. 25, 1917)

8.16.020 Application of chapter.

This chapter shall not apply to any act permitted by the statutes of the United States of America, or by the United States Army and Navy regulations, nor shall it be construed to apply to newspaper, periodical, book, pamphlet, circular, certificate, diploma, warrant, or commission of appointment to office, ornamental picture, article of jewelry, or stationery for use in correspondence, on any of which shall be printed or placed said flag, disconnected from an advertisement. Nor shall this chapter in any way restrict the use of the national flag, emblem, colors or ensign for patriotic purposes.

(Ord. 6593 § 6; passed Apr. 25, 1917)

8.16.030 Advertisements prohibited on flag.

It shall be unlawful for any person, firm or corporation in any manner to exhibit or display, or to place or cause to be placed, any word, figure, mark, picture, design, drawing, or any advertisement of any nature, upon any flag, standard, color or ensign of the United States of America, or to expose or cause to be exposed to public view any such flag, standard, color or ensign of the United States of America upon which shall be printed, painted or otherwise placed, or to which shall be attached, appended, affixed, or annexed, any word, figure, mark, picture, design, or drawing, or any advertisement of any nature.

(Ord. 6593 § 1; passed Apr. 25, 1917)

8.16.040 Representation of flag prohibited on merchandise.

It shall be unlawful for any person, firm or corporation to expose to public view, manufacture, sell, expose for sale, or to give away for use for any purpose, any article or substance being an article of merchandise, or a receptacle for merchandise, upon which shall have been printed, painted, attached or otherwise placed, a representation of any such flag, color or ensign.

(Ord. 6593 § 2; passed Apr. 25, 1917)

8.16.050 Use of flag to advertise business prohibited.

It shall be unlawful for any person, firm, corporation or organization to use or display the national flag, emblem, or ensign, or any drawing, lithograph, engraving, photograph or likeness thereof, as a medium of advertising any business, goods, wares, merchandise, publication, or public entertainment of any character, or for any other purpose intended to promote the interests of such person, firm, corporation or organization.

(Ord. 6593 § 3; passed Apr. 25, 1917)

8.16.060 Defacing flag unlawful.

It shall be unlawful for any person, firm or corporation, to publicly mutilate, deface, defile, defy, trample upon, or cast contempt, either by words or act, upon any such flag, standard, color or ensign.

(Ord. 6593 § 4; passed Apr. 25, 1917)

8.16.070 Violation – Penalties.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and, on conviction, shall be fined in a sum not exceeding $500.00, or imprisoned in the Pierce County Jail for a term not exceeding six months, or may be both so fined and imprisoned.

(Ord. 22600 § 17; passed Dec. 29, 1981: Ord. 6593 § 7; passed Apr. 25, 1917)

CHAPTER 8.17
FALSE REPORTS OF CRIME

Sections:

8.17.010 Unlawful to make false crime report.
8.17.015 Obstructing a public servant.
8.17.020 Violation – Penalty.

8.17.010 Unlawful to make false crime report.

It is unlawful for any person to knowingly falsely report or represent to any police officer that he or she has suffered the loss of any money or property as the result of robbery, assault, holdup, larceny or burglary.

(Ord. 11551 § 1; passed Jul. 6, 1938)

8.17.015 Obstructing a public servant.

A. A person shall be guilty of a gross misdemeanor if he or she knowingly:

1. Files false criminal charges against another person or makes any false or misleading material statement to a public servant in the discharge of his or her official duties, or

2. Hinders, delays, or obstructs any law enforcement officer in the discharge of his or her official powers or duties.

B. For the purposes of this section, a law enforcement officer is a City of Tacoma police officer, Fire Department official, animal control officer, park patrol officer, warrant officer, bailiff, Pierce County Sheriff or deputy sheriff, Washington State Patrol Officer, or other law enforcement officer as defined in RCW 9A.76.020.

C. "Material statement" means a written or oral statement reasonably likely to be relied upon by a public servant in the discharge of his or her official powers or duties.

D. "Public servant" means any person other than a witness who presently occupies the position of or has been elected, appointed, or designated to become any officer or employee of government, including a council member, judge, judicial officer, juror, and any person participating as an advisor, consultant, or otherwise in performing a governmental function.

(Ord. 27671 Ex. A; passed Dec. 11, 2007: Ord. 23410 § 1; passed Jun. 11, 1985: Ord. 23373 § 4; passed Apr. 9, 1985)

8.17.020 Violation – Penalty.

Any person violating the provisions of Section 8.17.010 or 8.17.015 hereof shall be guilty of a gross misdemeanor and, upon conviction thereof, shall be fined in any sum not exceeding $ 5,000.00 or imprisoned for a term not exceeding one year, or both such fine and imprisonment.

(Ord. 27671 Ex. A; passed Dec. 11, 2007: Ord. 24055 § 1; passed Apr. 5, 1988: Ord. 23373 § 5; passed Apr. 9, 1985: Ord. 22600 § 18; passed Dec. 29, 1981: Ord. 11551 § 2; passed Jul. 6, 1938)

CHAPTER 8.18
IMPERSONATING PEACE OFFICER

Sections:

8.18.010 Unlawful to impersonate peace officer – Penalty.

8.18.010 Unlawful to impersonate peace officer – Penalty.

Any person who shall willfully, unlawfully or fraudulently represent himself to be a peace officer, or who shall wear a metal star with words purporting to identify him as a peace officer written thereon, without authority so to do, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by being fined in any sum not exceeding $500.00, or by being imprisoned in the Pierce County Jail for a period not exceeding six months, or by both said fine and imprisonment.

(Ord. 22600 § 19; passed Dec. 29, 1981: Ord. 20785 § 2; passed Jun. 29, 1976: Ord. 3532 § 1; passed Dec. 24, 1908)

CHAPTER 8.20
INTOXICATING LIQUOR[1]

Sections:

8.20.010 Exercise of police power.
8.20.020 Definitions.
8.20.030 Liquors exempted.
8.20.040 Unlawful possession of liquor.
8.20.050 Consumption in public place.
8.20.060 Sale to intoxicated person prohibited.
8.20.070 *Repealed.*
8.20.071 Minors and Liquor – Prohibited Acts.
8.20.075 Alteration of identity cards.
8.20.080 Procuring liquor for ineligible person prohibited.
8.20.090 Taking orders for liquor prohibited.
8.20.100 Allegation of violation.
8.20.110 Allegation in words of chapter.
8.20.120 Proof of sale.
8.20.130 Acting without license unlawful.
8.20.140 Sale by drink or bottle.
8.20.150 Sale by bottle or package.
8.20.160 Confiscated liquor – Disposal.
8.20.170 State license required.
8.20.180 Possession with intent to sell.
8.20.190 Regulation of club hours.
8.20.200 Consumption of liquor in clubs.
8.20.210 Disorderly clubs.
8.20.230 Age of employees.
8.20.250 Construction of booths.
8.20.260 Inspection of premises.
8.20.270 Deliveries on Sunday.
8.20.280 Use of sidewalk.
8.20.290 Advertising restrictions.
8.20.295 Underage persons frequenting taverns – Misrepresentation of age.
8.20.300 Severability.
8.20.310 Violation – Penalties.
8.20.320 Chapter cumulative.

8.20.010 Exercise of police power.

This chapter shall be deemed an exercise of the police power of the City of Tacoma as an aid to the enforcement of the Washington State Liquor Act, and all of its provisions shall be liberally construed for the accomplishment of that purpose.

(Ord. 11075 § 1; passed Jul. 18, 1934)

8.20.020 Definitions.

In this chapter, unless the context otherwise requires:

A. "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances, including all dilutions and mixtures of this substance.

B. "Beer" means any beverage obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than four percent of alcohol by weight, and not less than one-half of one percent of alcohol by volume. For the purposes of this chapter, any such

[1] Cabaret license - Chapter 6.14.
Dance hall, prohibited in - Section 6.38.110.
Operating aircraft under influence - Section 8.06.050.
Skating rinks, prohibited in - Section 6.38.110.

beverage, including ale, stout and porter, containing more than four percent of alcohol by weight shall be referred to as "strong beer."

C. "Spirits" means any beverage which contains alcohol obtained by distillation, including wines exceeding 17 percent of alcohol by weight.

D. "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, etc.) or other agricultural products containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than 17 percent of alcohol by weight, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding 17 percent of alcohol by weight.

E. "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating, and every liquid or solid or semi-solid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids, and all preparations or mixtures capable of human consumption, and any liquid, semi-solid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating.

F. "Board" means the Liquor Control Board, constituted under the Washington State Liquor Act.

G. "Consume" includes the putting of liquor to use, whether drinking or otherwise.

H. "Dentist" means a practitioner of dentistry duly and regularly licensed and engaged in the practice of his profession within the state pursuant to Chapter 18.32 RCW.

I. "Malt liquor" means beer, strong beer, ale, stout and porter.

J. "Imprisonment" means confinement in the county jail.

K. "Package" means any container or receptacle used for holding liquor.

L. "Permit" means a permit for the purchase of liquor under the Washington State Liquor Act.

M. "Person" means an individual, co-partnership, association or corporation.

N. "Physician" means a medical practitioner duly and regularly licensed and engaged in the practice of his profession within the state pursuant to Chapter 18.71 RCW.

O. "Prescription" means a memorandum signed by a physician and given by him to a patient for the obtaining of liquor pursuant to the Washington State Liquor Act for medical purposes.

P. "Public place" includes streets and alleys; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under the Washington State Liquor Act, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theaters, stores, garages and filling stations which are open to and are generally used by the public, and to which the public is permitted to have unrestricted access; railroad trains, stages and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith, which are open to unrestricted use and access by the public; publicly owned bathing pools, parks and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

Q. "Regulations" means regulations made by the Board under the Washington State Liquor Act.

R. "Sale" and "sell" include exchange, barter and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer, or by any name whatever, commonly used to describe malt or brewed liquor or wine, by any person to any person; and also include a sale or selling within the city to a foreign consignee or his agent in the city.

S. "Washington State Liquor Act" means and includes Chapter 62 of the Session Laws of Washington, Extraordinary Session of 1933, as amended and as such Act will be amended.

T. "Club" means an organization of persons, incorporated or unincorporated, solely for fraternal, benevolent, educational, athletic or social purposes, whether or not such organization is operated for pecuniary gain.

(Ord. 13808; passed Feb. 15, 1950: Ord. 11075 § 2; passed Jul. 18, 1934)

8.20.030 Liquors exempted.

Nothing in this chapter shall apply to wine or beer manufactured in any home for consumption therein, but not for sale; nor to any liquor in the possession of any person, kept for personal use but not for sale, except as provided herein in regard to clubs,

at the effective date of the Washington State Liquor Act; nor to any liquor or preparations exempted under the Washington State Liquor Act; nor to the sale of beer in the City of Tacoma under the provisions of existing city ordinances during the time that the sale thereof is permissible under the provisions of the Washington State Liquor Act.

(Ord. 13915; passed Jul. 3, 1950: Ord. 11075 § 3; passed Jul. 18, 1934)

8.20.040 Unlawful possession of liquor.

No liquor shall be kept or had within the City of Tacoma, unless the package in which the liquor was contained had, while containing that liquor, been sealed with the official seal prescribed under the Washington State Liquor Act, except in the case of:

A. Liquor imported by the State Liquor Control Board; or

B. Liquor manufactured in the City of Tacoma for sale to the Liquor Control Board or for export; or

C. Beer purchased in accordance with the provisions of the Washington State Liquor Act; or

D. Wine, beer or liquor exempted in Section 8.20.030 hereof.

(Ord. 11075 § 4; passed Jul. 18, 1934)

8.20.050 Consumption in public place.

Except as permitted by the Washington State Liquor Act, no person in a public place shall open a package containing liquor, possess an opened package containing liquor, or consume liquor. Every person who violates any provision of this section shall be guilty of a civil infraction and shall be fined not more than $100, which includes all statutory assessments. Whenever any person is stopped for a violation of this section, the officer may detain that person for a reasonable period of time necessary to identify the person and check for outstanding warrants.

(Ord. 26679 § 1; passed Aug. 22, 2000:f Ord. 26010 § 1; passed Jan. 14, 1997: Ord. 22986 § 1; passed Aug. 23, 1983: Ord. 11075 § 5; passed Jul. 18, 1934)

8.20.060 Sale to intoxicated person prohibited.

No person shall sell any liquor to any person apparently under the influence of liquor.

(Ord. 11075 § 6; passed Jul. 18, 1934)

8.20.070 Minors – Purchase, sale or possession prohibited. *Repealed by Ord. 28111*.

(Repealed by Ord. 28111 Ex. A; passed Dec. 4, 2012: Ord. 24020 § 3, 4; passed Jan. 26, 1988: Ord. 23682 § 3; passed Sept. 2, 1986: Ord. 16295; passed Mar. 2, 1959: Ord. 11075 § 7; passed Jul. 18, 1934)

8.20.071 Minors and Liquor – Prohibited Acts.

RCW 66.44.270, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties.

(Ord. 28111 Ex. A; passed Dec. 4, 2012)

8.20.075 Alteration of identity cards.

No person may forge, alter, counterfeit, otherwise prepare or acquire and supply to a person under the age of 21 years a facsimile of any of the officially issued cards of identification that are required for presentation under RCW 66.16.040. A violation of this section is a gross misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of $2,500.00 shall be imposed.

(Ord. 24020 § 5; passed Jan. 26, 1988)

8.20.080 Procuring liquor for ineligible person prohibited.

Except in the case of liquor administered by a physician or dentist or sold upon a prescription in accordance with the provisions of the Washington State Liquor Act, no person shall procure or supply, or assist directly or indirectly in procuring or supplying liquor for or to anyone whose permit is suspended or has been canceled.

(Ord. 11075 § 8; passed Jul. 18, 1934)

8.20.090 Taking orders for liquor prohibited.

Except as provided in Section 42 of the Washington State Liquor Act (RCW 66.28.050), no person shall canvass for, solicit, receive, or take orders for the purchase or sale of any liquor, or act as agent for the purchase or sale of liquor.

(Ord. 11075 § 9; passed Jul. 18, 1934)

8.20.100 Allegation of violation.

In describing the offense respecting the sale or keeping for sale or other disposal of liquor, or the having, keeping, giving, purchasing or consumption of liquor in any complaint, summons, conviction, warrant or proceeding under this chapter, it shall be sufficient to simply state the sale, or keeping for sale or disposal, having, keeping, giving, purchasing or consumption of liquor, without stating the name or kind of such liquor or the price thereof, or to whom it was sold or disposed of, or by whom consumed, or from whom it was purchased or received; and it shall not be necessary to state the quantity of liquor so sold, kept for sale, disposed of, had, kept, given, purchased, or consumed, except that, in the case of offenses where the quantity is essential, and then it shall be sufficient to allege the sale or disposal of more or less than such quantity.

(Ord. 11075 § 10; passed Jul. 18, 1934)

8.20.110 Allegation in words of chapter.

The description of any offense under this chapter, in the words of this chapter, or in any words of like effect, shall be sufficient in law; and any exception, exemption, provision, excuse or qualification, whether it occurs by way of provision or in the description of the offense in this chapter, may be proved by the defendant; but need not be specified or negatived in the complaint; but if it is so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the complainant.

(Ord. 11075 § 11; passed Jul. 18, 1934)

8.20.120 Proof of sale.

In any proceeding under this chapter, proof of one unlawful sale of liquor shall suffice to establish prima facie the intent or purpose of unlawfully keeping liquor for sale in violation of this chapter.

(Ord. 11075 § 12; passed Jul. 18, 1934)

8.20.130 Acting without license unlawful.

Every person doing any act required to be licensed under the Washington State Liquor Act without having in force a license issued to him under that act shall be guilty of a misdemeanor.

(Ord. 11075 § 13; passed Jul. 18, 1934)

8.20.140 Sale by drink or bottle.

Every person who shall sell by the drink or bottle any liquor other than as permitted by the Washington State Liquor Act or by the rules and regulations of the Washington State Liquor Control Board shall be guilty of a misdemeanor.

(Ord. 13808 §2 ; passed Feb. 15, 1950: Ord. 11075 § 14; passed Jul. 18, 1934)

8.20.150 Sale by bottle or package.

Except as otherwise provided in the Washington State Liquor Act, every person who shall sell any liquor, other than beer, by the bottle or package, or who shall own or operate any still, shall be guilty of a misdemeanor.

(Ord. 11075 § 15; passed Jul. 18, 1934)

8.20.160 Confiscated liquor – Disposal.

In every case in which liquor is seized by a police officer of the City of Tacoma, it shall be the duty of the Chief of Police of the City to forthwith report in writing to the Board the particulars of such seizure, and to immediately deliver over such liquor to the Board at such place as may be designated by it.

(Ord. 11075 § 16; passed Jul. 18, 1934)

8.20.170 State license required.

No person other than those duly licensed under the Washington State Liquor Act shall keep liquor for the purpose of sale. The possession of liquor other than beer or wine in a place licensed to sell beer and/or wine only shall be presumptive evidence that the same is kept for the purpose of sale.

(Ord. 11075 § 18; passed Jul. 18, 1934.)

8.20.180 Possession with intent to sell.

Any person who shall keep or possess liquor on premises conducted or maintained by him as principal or agent, with the intent to sell the same contrary to provisions of this chapter, shall be guilty of a misdemeanor. The possession of liquor by such principal or agent on premises conducted or maintained under Federal authority as a retail dealer in liquors shall be prima facie evidence of the intent to sell liquor.

(Ord. 11400; passed May 5, 1937: Ord. 11075 § 18a; passed Jul. 18, 1934)

8.20.190 Regulation of club hours.

Any owner, manager, operator or employee of any club, as defined herein, who shall furnish or cause to be furnished liquor, or who shall prepare and serve liquor, or who shall provide mixers, beverages, sodas, ice or water, for the purpose of preparing drinks of liquor on the premises to any member, patron or other person in any room of such club not a place of residence therein between 12:00 midnight on Saturday and 6:00 a.m. on the following Monday; or upon any other weekday between 1:00 a.m. and 6:00 a.m., unless otherwise permitted by the laws of the State of Washington and the rules, regulations and the permits thereunder of the Washington State Liquor Control Board, shall be guilty of a misdemeanor.

(Ord. 13915; passed Jul. 31, 1950: Ord. 11075 § 18b; passed Jul. 18, 1934)

8.20.200 Consumption of liquor in clubs.

Any member, patron or other person who shall consume liquor in any club in a room not a place of residence therein between 12:00 midnight on Saturday and 6:00 a.m. on the following Monday; or upon any otherwise permitted by the laws of the State of Washington and the rules, regulations and the permits thereunder of the Washington State Liquor Control Board, shall be guilty of a misdemeanor.

(Ord. 13915; passed Jul. 31, 1950: Ord. 11075 § 18c; passed Jul. 18, 1934)

8.20.210 Disorderly clubs.

Any club in which the owner, manager, operator or employee thereof shall allow or permit rooms which are not places of residence therein to remain open to any member, patron or other person for the purpose of consumption of liquor between 12:00 midnight on Saturday and 6:00 a.m. on the following Monday; or upon any other weekday between 1:00 a.m. and 6:00 a.m., unless otherwise permitted by the laws of the State of Washington and the rules, regulations and the permits thereunder of the Washington State Liquor Control Board, is hereby declared to be a disorderly place. Any person found therein at such time shall be guilty of a misdemeanor.

(Ord. 13915 § 1; passed Jul. 31, 1950: Ord. 11075 § 18d; passed Jul. 18, 1934)

8.20.230 Age of employees.

Employers holding class E and/or F licenses, exclusively, are permitted to allow their employees between the ages of 18 and 21 to sell, stock, and handle beer or wine in, on, or about any establishment holding a class E and/or class F license, exclusively; provided that there is an adult 21 years of age or older on duty supervising the sale of liquor at the licensed premises; and provided that minor employees may make deliveries of beer and/or wine purchased from licensees holding class E and/or class F licenses, exclusively, when delivery is made to customers' cars when such cars are located adjacent to such licensed premises, but only, when the minor employee is accompanied by the purchaser.

(Ord. 24020 § 6; passed Jan. 26, 1988)

8.20.250 Construction of booths.

No licensee shall conduct an establishment where booths are a part of the equipment unless they are open at one end and are without doors, curtains or other obstructions.

(Ord. 11075 § 22; passed Jul. 18, 1934)

8.20.260 Inspection of premises.

All licensed premises used in the manufacture, storage or sale of liquor shall at all times be open to inspection by any authorized peace officer.

(Ord. 11075 § 23; passed Jul. 18, 1934)

8.20.270 Deliveries on Sunday.

It shall be unlawful for any person or persons to deliver beer on Sunday after 8:00 a.m.

(Ord. 11075 § 24; passed Jul. 18, 1934)

8.20.280 Use of sidewalk.

It shall be unlawful for any manufacturer, distributor or wholesaler to deposit, place, keep or leave, or for any retail licensee to permit the placing, keeping or storage of beer kegs or other beer or wine containers in front, or on any sidewalk, of any licensed retail premises.

(Ord. 11075 § 25; passed Jul. 18, 1934)

8.20.290 Advertising restrictions.

The passing of money or other valuable consideration by a manufacturer, distributor or beer wholesaler to a retailer, directly or indirectly, for advertising space in or upon the property of the said retailer is hereby prohibited; likewise the passing of money or other valuable consideration by a manufacturer, distributor or beer wholesaler, directly or indirectly, to any person, to pay, in whole or in part, for advertising of any nature on behalf of a retailer, or from which a retailer may or will derive any advertising benefits, or which bears the name or address or other description of a retailer, is hereby prohibited; nor shall the name of a retailer appear in or as part of or supplementary to the advertising of a manufacturer, distributor or beer wholesaler.

No signs or other matter advertising beer and/or wine or any brands thereof, or using the words "bar," "barroom," "saloon," or words of like or similar import, shall be erected or placed upon the outside of any building in which beer and/or wine is licensed to be sold at retail, or in close proximity thereto, and no advertisement whatsoever shall contain the words "bar," "barroom," "saloon," or words of like or similar import.

Signs or other advertising matter within the licensed premises of the retailer shall not be of an obnoxious, gaudy, blatant or offensive nature and shall in no manner obstruct the view of the interior of the premises from the street, and shall be limited to illuminated or unilluminated signs, not to exceed in area 630 square inches, and no one dimension to exceed 42 inches. In no case shall any sign or other advertising matter obstruct more than one-third of the total area of a display window. Any sign so displayed shall be paid for by the retail licensee; provided, however, a manufacturer, distributor or beer wholesaler may furnish to retail dispensers a sign, not exceeding the area and dimensions herein prescribed, bearing only the name of the manufacturer, distributor or beer wholesaler and/or the trade or copyrighted name or brand of the product.

(Ord. 11075 § 26; passed Jul. 18, 1934)

8.20.295 Underage persons frequenting taverns – Misrepresentation of age.

It shall be a violation of this chapter:

A. To serve or allow to remain on the premises of any tavern any person under the age of 21 years;

B. For any person under the age of 21 years to enter or remain on the premises of any tavern;

C. For any person under the age of 21 years to represent his age as being 21 or more years for the purpose of securing admission to or remaining on the premises of any tavern.

(Ord. 20403; passed Apr. 22, 1975)

8.20.300 Severability.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of this chapter and the application of such provisions to any person or circumstances shall not be affected thereby.

(Ord. 11075 § 28; passed Jul. 18, 1934)

8.20.310 Violation – Penalties.

Every person guilty of a violation of any of the provisions of this chapter for which no penalty is specifically prescribed shall be guilty of a misdemeanor and, on conviction, shall be subject to a penalty of not more than $1,000.00 or to imprisonment in the Pierce County Jail for not more than 90 days, or to both such fine and imprisonment.

(Ord. 24055 § 2; passed Apr. 5, 1988: Ord. 22600 § 20; passed Dec. 29, 1981: Ord. 11075 § 27; passed Jul. 18, 1934)

8.20.320 Chapter cumulative.

The provisions of this chapter shall be cumulative and in addition to the provisions of the now existing ordinances of the City of Tacoma, and shall not have the effect of repealing any ordinances of the City of Tacoma now in effect, except those specifically repealed herein.

(Ord. 11075 § 35; passed Jul. 18, 1934)

CHAPTER 8.22
LARCENY BY CHECK

Sections:

8.22.010 Definition.
8.22.020 Evidence.
8.22.030 Penalty.

8.22.010 Definition.

Any person who, with intent to defraud, shall make, draw, utter or deliver to another any check, draft or order upon a bank or other depository for the payment of money, knowing at the time of such drawing or delivery that the maker or drawer has not sufficient funds in or credit with said bank or depository to meet said check, draft or order in full upon its presentation, shall be guilty of disorderly conduct. The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank or depository for the payment of such check, draft or order.

(Ord. 16060; passed Mar. 3, 1958: Ord. 13578 § 1; passed Mar. 23, 1949)

8.22.020 Evidence.

The uttering or delivery of such a check, draft or order to another person, firm or corporation without such fund or credit to meet the same shall be prima facie evidence of an intent to defraud.

(Ord. 13578 § 2; passed Mar. 23, 1949)

8.22.030 Penalty.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not exceeding $500.00, or imprisoned in the Pierce County Jail for a term not exceeding six months, or may be both so fined and imprisoned within the discretion of the judge.

(Ord. 22600 § 21; passed Dec. 29, 1981: Ord. 13578 § 3; passed Mar. 23, 1949)

CHAPTER 8.23 [1]
PUBLIC NUISANCE VEHICLES

Sections:

8.23.010 Purpose and intent.
8.23.020 Definitions.
8.23.030 Enforcement authority.
8.23.040 Declaration of nuisance.
8.23.050 Impoundment of unauthorized Public Nuisance Vehicle – Public property.
8.23.060 Notice of Violation and Abatement – Private property.
8.23.070 Notice of Appeal – Private property.
8.23.080 Hearing – Private property.
8.23.090 Order of the Hearing Examiner – Private property.
8.23.100 Appeal of the decision of the Hearing Examiner – Private property.
8.23.110 Removal and disposal – Costs – Liens – Private property.
8.23.111 Entry – Private property.
8.23.112 Severability.

8.23.010 Purpose and intent.

A. It is the purpose and intent of the City Council that this chapter will eliminate the effects of the accumulation of damaged or inoperable vehicles on private property or public property, including rights-of-way, which create blight; depress land values; generate health hazards; damage the environment, including numerous species of fish and wildlife; provide breeding areas for pests, such as rodents, hornets, and mosquitoes; attract illegal dumping of other solid waste and hazardous substances; and lead to criminal behavior detrimentally affecting the health and safety of communities and neighborhoods in the City of Tacoma.

B. It is the intent of the City Council to:

1. Declare that it is a public nuisance and unlawful to accumulate, dismantle, park, place, or store Public Nuisance Vehicles on public or private property in the City of Tacoma;

2. Decrease the likelihood of criminal conduct associated with the unlawful accumulation, dismantling, parking, placing, or storage of Public Nuisance Vehicles;

3. Reduce the inherent public health and safety problems associated with the unlawful accumulation, dismantling, parking, placing, or storage of Public Nuisance Vehicles;

4. Minimize the likelihood of injury resulting from children playing on or around Public Nuisance Vehicles; and

5. Establish procedures for the removal and abatement of Public Nuisance Vehicles that have been unlawfully accumulated, dismantled, parked, placed, or stored.

(Ord. 27755 Ex. A; passed Nov. 25, 2008: Ord. 27536 § 1; passed Oct. 17, 2006)

8.23.020 Definitions.

For purposes of this chapter, certain terms, phrases, and words, and their derivatives, shall have specific meanings, as defined in this section. Terms, phrases, and words used in the singular shall also apply to the plural; terms, phrases, and words used in the plural shall also apply to the singular.

A. "Apparently Inoperable" means:

1. that the Vehicle does not appear to comply with requirements for safe and legal operation on public streets or highways with regard to licensing, brakes, lights, tires, safety glass, or other safety equipment; or

2. a Vehicle that has been determined by the Tacoma-Pierce County Health Department to be unfit for use due to contamination from methamphetamine or other substances, which are harmful to human health or the environment; or

[1] 8.23 Junk Vehicles, repealed and reenacted as Public Nuisance Vehicles by Ord. 27536, Oct. 17, 2006. Ordinances referenced in repealed section include: Ord. 26934 passed Mar. 5, 2002: Ord. 25531 passed Jun. 28, 1994: Ord. 24533 passed Jan. 2, 1990.

3. other circumstances or conditions that are evidence that the Vehicle is not currently operable, including, but not limited to, a Vehicle having its passenger compartment filled with trash or debris, vegetation growing inside, around, or on the vehicle, or other evidence that the vehicle has not been moved for an extended period of time.

B. "Extensively Damaged" means such damage including, but not limited to, any of the following: a broken window or windshield or missing wheels, tires, motor, or transmission.

C. "Landowner" means the owner of the property, as shown in the records of the Pierce County Assessor.

D. "Law Enforcement Officer" means, for purposes of this chapter, any commissioned police officer and any person holding a limited commission to enforce this chapter or chapter 46.55 RCW.

E. "Public Nuisance Vehicle" is a Vehicle, or the parts of a Vehicle, which meets three of the following criteria: (1) is Extensively Damaged; (2) is Apparently Inoperable; (3) is three years old or older; and (4) has an approximate fair market value equal to the scrap value; provided, that the following shall be exempt from the foregoing definition:

1. The Vehicle, or parts thereof, is completely enclosed within a building; or

2. The Vehicle, or parts thereof, is stored or parked in a lawful manner on private property in connection with the legal business of a licensed dismantler; motor vehicle wrecker; licensed vehicle dealer; junk, salvage, or wrecking yard; provided, that the business is in compliance with the provisions of the Tacoma Municipal Code and the property is fenced, as required by RCW 46.80.130.

F. "Public Official" means any official designated by the City Manager, or his or her designee, authorized to enforce this chapter, including, but not limited to, officials of the Police Department, Fire Department, Public Works Department, Finance Department, or the Tacoma-Pierce County Health Department charged with the enforcement of a particular portion of this chapter.

G. "Vehicle" shall include, but not be limited to, automobiles, motorcycles, trucks, buses, motorized recreational vehicles, campers, travel trailers, boat trailers, utility trailers, or other similar devices capable of moving or being moved on the public right-of-way, and shall also include parts of vehicles.

(Ord. 28272 Ex. C; passed Dec. 16, 2014: Ord. 27755 Ex. A; passed Nov. 25, 2008: Ord. 27536 § 1; passed Oct. 17, 2006)

8.23.030 Enforcement authority.

As more specifically provided herein, the City Manager, or his or her designee, or any Law Enforcement Officer may enforce this chapter.

(Ord. 28108 Ex. G; passed Dec. 4, 2012: Ord. 27536 § 1; passed Oct. 17, 2006)

8.23.040 Declaration of nuisance.

One or more Public Nuisance Vehicles, or parts thereof, which have been accumulated, dismantled, parked, placed, or stored on any property, constitute a public nuisance which shall be abated pursuant to the provisions of this chapter and through the authority given the City under the Tacoma City Charter and the Laws and Constitution of the State Washington. It is further declared to be the duty of every Landowner in Tacoma to maintain his or her property in a lawful manner and exercise reasonable diligence to ensure that it remains free of Public Nuisance Vehicles, and every successive owner of the property or premises shall assume the duty relative to preexisting conditions for which he or she had notice, actual, or constructive. A Public Nuisance Vehicle is further declared to be an "unauthorized vehicle" within the meaning of RCW 46.55.085.

(Ord. 27536 § 1; passed Oct. 17, 2006)

8.23.050 Impoundment of unauthorized Public Nuisance Vehicle – Public property.

A. Any Law Enforcement Officer discovering an unauthorized Public Nuisance Vehicle left on public property or within a public right-of-way shall attach to the Vehicle a readily visible notification sticker. The sticker shall contain the following information:

1. The date and time the sticker was attached; and

2. The identity of the Law Enforcement Officer; and

3. A statement that if the Vehicle is not removed within 24 hours from the time the sticker is attached, the Vehicle may be taken into custody and stored at the owner's expense; and

4. If the Vehicle is on public property, a statement that if the Vehicle is not redeemed, as provided in RCW 46.55.120, the Vehicle will be disposed of in accordance with state law; and

5. If the Vehicle is within the right-of-way, a statement that if the Vehicle is not redeemed, as provided in RCW 46.55.120, the registered owner will have committed the traffic infraction of littering – abandoned Vehicle and the Vehicle will be disposed of in accordance with state law; and

6. The address and telephone number where additional information may be obtained.

B. If the Vehicle has current Washington State registration plates, the Law Enforcement Officer shall check the records to learn the identity of the last owner of record. The Law Enforcement Officer shall make a reasonable effort to contact the owner by telephone in order to give the owner the information on the notification sticker.

C. If the Vehicle is not removed within 24 hours from the time the notification sticker is attached, the Law Enforcement Officer may take custody of the Vehicle and provide for the Vehicle's removal to a place of safety. A Vehicle that does not pose a safety hazard may remain on the roadside for more than 24 hours if the owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance.

D. For the purposes of this section, a place of safety includes the business location of a registered tow truck operator.

(Ord. 27536 § 1; passed Oct. 17, 2006)

8.23.060 Notice of Violation and Abatement – Private property.

A. A Public Official is authorized to issue a Notice of Violation and Abatement upon reasonable belief that a condition prohibited by this chapter exists.

B. The Notice of Violation and Abatement shall be issued to the Landowner, as shown by the records of the Pierce County Assessor, and to the last registered owner of record of the Vehicle, if that person can be determined.

C. The Notice of Violation and Abatement shall be served by mailing a copy of said notice to the Landowner and to the last registered owner of record of the Vehicle, if that person can be determined, by first-class and certified mail.

D. The Notice of Violation and Abatement shall contain substantially the following information if it is reasonably obtainable:

1. The name and address of the person to whom the notice is issued;

2. The location of the subject property by address or other description sufficient for identification of the subject property;

3. A description of the Vehicle and its location and the reasons for which the City deems it to be a public nuisance in violation of this chapter;

4. A description of the corrective action necessary to eliminate the violation;

5. The date by which the corrective action must be completed;

6. A statement that if any of the persons to whom the Notice of Violation and Abatement is issued wish to appeal said notice, they may submit a written Notice of Appeal to the City Clerk to request a hearing before the Hearing Examiner.

7. A statement that if the persons to whom the Notice of Violation and Abatement is issued fail to submit a Notice of Appeal within 10 calendar days of the date of the Notice or fail to voluntarily abate the nuisance within 18 calendar days of the date of the Notice, the City will abate the nuisance by removing and disposing of the Vehicle and will assess all costs of administration and removal against the Landowner.

(Ord. 28272 Ex. C; passed Dec. 16, 2014: Ord. 27755 Ex. A; passed Nov. 25, 2008: Ord. 27536 § 1; passed Oct. 17, 2006)

8.23.070 Notice of Appeal – Private property.

A. Within ten calendar days of the date of a Notice of Violation and Abatement, the Landowner and/or the last registered owner of record of the Vehicle may submit a written Notice of Appeal to the City Clerk to appeal the Notice of Violation and Abatement.

B. The recipient of a Notice of Violation and Abatement may appeal:

1. Whether the Public Official appropriately identified the Vehicle as a Public Nuisance Vehicle; or

2. Whether the Landowner should not be held responsible for the nuisance because the Landowner did not consent to the presence of the Public Nuisance Vehicle and has not subsequently acquiesced in its presence; or

3. Whether the last registered owner of record of the Vehicle should not be held responsible for the nuisance because said owner, in the transfer of ownership of the Vehicle, has complied with RCW 46.12.101; or

4. The Notice of Appeal shall specify the specific ground(s) of appeal.

C. If a request for a hearing is received, the Public Official shall mail a notice giving the time, location, and date of the hearing on the question of abatement and removal of the Vehicle, or part thereof, as a public nuisance, by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record, unless the Vehicle is in such condition that identification numbers are not available to determine ownership.

(Ord. 27755 Ex. A; passed Nov. 25, 2008: Ord. 27536 § 1; passed Oct. 17, 2006)

8.23.080 Hearing – Private property.

A. The appeal of a Notice of Violation and Abatement shall be heard by the Hearing Examiner.

B. The Hearing Examiner, will conduct the hearing required by this chapter no more than 18 calendar days after the Public Official issues the Notice of Hearing.

C. The hearing will address the grounds of appeal allowed in TMC 8.23.060, which were stated in the Notice of Appeal. If the Hearing Examiner, determines that multiple parties share responsibility for the nuisance, the Hearing Examiner, will allocate the assessment of costs of administration, removal, and disposal among the responsible parties.

D. The hearing shall be conducted in accordance with 1.23 TMC and the Hearing Examiner rules.

E. The City shall have the burden of proof to establish by a preponderance of the evidence that a violation has occurred and that the required corrective action is reasonable.

F. The Hearing Examiner shall determine whether the City has established, by a preponderance of the evidence that a violation has occurred and that the required corrective action is reasonable and shall affirm, modify, or vacate the Public Official's decisions regarding the alleged violation and/or the required corrective action.

(Ord. 28272 Ex. C; passed Dec. 16, 2014: Ord. 27755 Ex. A; passed Nov. 25, 2008: Ord. 27536 § 1; passed Oct. 17, 2006)

8.23.090 Order of the Hearing Examiner – Private property.

A. If affirming the Public Official's Notice of Violation and Abatement, the Hearing Examiner may assess administrative costs or costs related to the abatement of the violator's Vehicle. The Hearing Examiner may also order the refund of hearings fees to parties deemed not responsible for the violation.

B. If it is determined at the hearing that the Vehicle was placed on the land without the consent of the Landowner and that he or she has not subsequently acquiesced in its presence, then the Hearing Examiner order shall not assess costs of administration or removal of the Vehicle against the property upon which the Vehicle is located or otherwise attempt to collect the cost from the Landowner.

(Ord. 28272 Ex. C; passed Dec. 16, 2014: Ord. 27755 Ex. A; passed Nov. 25, 2008: Ord. 27536 § 1; passed Oct. 17, 2006)

8.23.100 Appeal of the decision of the Hearing Examiner – Private property.

The decision of the Hearing Examiner shall be considered final, unless a written Notice of Appeal is filed with a court of competent jurisdiction no later than ten days after issuance of the Order of the Hearing Examiner.

(Ord. 28272 Ex. C; passed Dec. 16, 2014: Ord. 27755 Ex. A; passed Nov. 25, 2008: Ord. 27536 § 1; passed Oct. 17, 2006)

8.23.110 Removal and disposal – Costs – Liens – Private property.

A. Commencing 18 calendar days after the date of the Notice of Violation and Abatement, if no appeal had been filed, or 15 calendar days after the issuance of an Order from the Hearing Examiner resulting in authority to remove the Vehicle, the Public Official shall cause the removal and disposal of the Vehicle, or part thereof, as soon as practicable. The Public Official will provide notice to the Washington State Patrol and the Washington State Department of Licensing that the Vehicle has been processed in accordance with the laws of the state of Washington. The Vehicle shall only be disposed of as scrap.

B. The City may file a lien for the cost of any abatement proceedings under this chapter and all other related costs against the real property on which the monetary penalty was imposed or any of the work of abatement was performed, except no lien shall attach to the real property if the Landowner was found not responsible in the Order issued by the Hearing Examiner. The lien shall run with the land, but shall be subordinate to all previously existing special assessment liens imposed on the same property and shall be superior to all other liens, except for state and county taxes, with which it shall be in parity. Any claim of lien shall contain sufficient information regarding the Notice of Violation and Abatement, a description of the property to be charged with the lien and the owner of record, and the total amount of the lien.

C. In addition to a lien, the City may pursue collection of the cost of any abatement proceedings under this chapter by any other lawful means, including referral to a collection agency.

(Ord. 28272 Ex. C; passed Dec. 16, 2014: Ord. 27755 Ex. A; passed Nov. 25, 2008: Ord. 27536 § 1; passed Oct. 17, 2006)

8.23.111 Entry – Private property.

Using any lawful means, the City may enter upon the subject property and may remove or correct the condition that is subject to abatement. The City may seek such judicial process as it deems necessary to effect the removal or correction of such condition. When a Law Enforcement Officer or Public Official has probable cause to believe that a nuisance created by Public Nuisance Vehicles exists on any property in violation of this chapter, he or she may request permission to enter the premises to inspect for evidence thereof if the Landowner is present. If permissive entry cannot be obtained, the Law Enforcement Officer or Prosecuting Attorney may apply to the Pierce County Superior Court for a warrant to enter the property, notwithstanding the inability to locate the Landowner.

(Ord. 27536 § 1; passed Oct. 17, 2006)

8.23.112 Severability.

If any provision or section of this chapter shall be held to be void or unconstitutional, all other parts, provisions, and sections of this chapter not expressly so held to be void or unconstitutional shall continue in full force and effect.

(Ord. 27536 § 1; passed Oct. 17, 2006)

CHAPTER 8.24
LUBRICATING OIL – LABELS

Sections:

8.24.010 Brand name – Sign or label.
8.24.020 False or fraudulent label.
8.24.030 Each day separate offense.
8.24.040 Violation – Penalty.

8.24.010 Brand name – Sign or label.

It shall be unlawful for any person, firm or corporation to sell, offer for sale or deliver, or cause or permit to be sold, offered for sale or delivered in the City of Tacoma, any oil represented as lubricating oil for the cylinders of internal combustion engines, unless there shall be firmly attached or painted at or near the point of outlet from which said oil represented as lubricating oil for the cylinders of internal combustion engines is drawn or poured out for sale or delivery, a sign or label consisting of the word or words in letters not less than one inch in height, comprising the brand or trade name of said lubricating oil; provided that when said sign or label is attached to the faucet or valve of a tank-truck or tank-wagon, the letters shall not be less than three-fourths of an inch in height, and provided that, if the above required sign or label is on a container having a capacity of 15 gallons or less, the letters shall be not less than one-half inch in height, and provided that, if any of said lubricating oil shall have no brand or trade name, the above-required sign or label shall consist of the words, in letters not less than three inches high, with the exception above provided, "Lubricating oil, no brand."

(Ord. 9171 § 1; passed Apr. 27, 1927)

8.24.020 False or fraudulent label.

It shall be unlawful for any person, firm or corporation to display any sign, label or other designating mark which describes any petroleum oil or petroleum product not actually sold or offered for sale or delivery at the location at which the sign or other designating mark is displayed, or to display any label upon any container, which label names or describes a petroleum product not actually contained therein, but offered for sale or sold as such.

(Ord. 9171 § 2; passed Apr. 27, 1927)

8.24.030 Each day separate offense.

Each such person, firm or corporation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this chapter is committed, continued or permitted by such person, firm or corporation, and shall be punishable therefor as provided by this chapter.

(Ord. 9171 § 4; passed Apr. 27, 1927)

8.24.040 Violation – Penalty.

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, be punished by a fine of not more than $500.00 or by imprisonment in the Pierce County Jail for a period of not more than six months, or by both such fine and imprisonment.

(Ord. 22600 § 22; passed Dec. 29, 1981: Ord. 9171 § 3; passed Apr. 27, 1927)

CHAPTER 8.25
REPEALED[1]

MALICIOUS HARASSMENT

Repealed by Ord. 25220

(Ord. 25220 § 1; passed Dec. 8, 1992)

[1] Harassment - See Chapter 8.106.

CHAPTER 8.26
REPEALED

MEDICINES AND DRUGS, SAMPLES

Repealed by Ord. 28362

(Repealed by Ord. 28362 Ex. A; passed Jun. 7, 2016: Ord. 22600 § 24; passed Dec. 29, 1981: Ord. 2107 § 1; passed Jun. 29, 1904: Ord. 1531 § 2; passed Feb. 16, 1901)

CHAPTER 8.27
PARK CODE

Sections:

8.27.010 Chapter constitutes park code.
8.27.020 Exercise of police power.
8.27.030 Definitions.
8.27.040 Permits – Assemblies, entertainment, etc.
8.27.050 Permits – Generally.
8.27.060 Public disturbance noises.
8.27.070 Destruction of park property.
8.27.080 Intoxicating liquors and marijuana.
8.27.085 Smoking and vaping in parks prohibited.
8.27.090 Selling, advertising, soliciting.
8.27.100 Damage or removal of plants prohibited.
8.27.110 Disposal of trash.
8.27.120 Animal control.
8.27.130 Molesting or feeding animals.
8.27.140 Damage by animals.
8.27.150 Prohibitions as to boating, fishing and swimming.
8.27.160 Boats and beaches.
8.27.165 Moorage buoy and float regulations.
8.27.170 Fires.
8.27.180 Use of certain equipment.
8.27.190 Fireworks.
8.27.200 Vehicle and micromobility device standards.
8.27.205 Entrance fees.
8.27.210 No structures in parks; exceptions.
8.27.215 Parking fees required.
8.27.220 Opening and closing hours, no use of parks when closed, exceptions.
8.27.230 Emergency conditions.
8.27.240 Aiding and abetting violations.
8.27.250 Penalty for violations.
8.27.251 Authority to adopt a code of conduct.
8.27.255 Violators may be required to leave park.
8.27.260 Severability.

8.27.010 Chapter constitutes park code.

This chapter shall constitute the park code of the City of Tacoma and may be cited as such. Conduct in all public parks shall be subject to all applicable provisions of the Tacoma Municipal Code, the general police regulations of the City of Tacoma, and rules adopted by the Metropolitan Park District of Tacoma and not exclusively to the provisions of this chapter.

(Ord. 28615 Ex. A; passed Oct. 1, 2019: Ord. 19224 § 2; passed Nov. 4, 1970)

8.27.020 Exercise of police power.

This chapter is hereby declared to be an exercise of the police power of the State of Washington, the City of Tacoma, and the Metropolitan Park District of Tacoma for the public peace, health, safety, and welfare, and its provisions shall be liberally construed.

(Ord. 28615 Ex. A; passed Oct. 1, 2019: Ord. 19224 § 2; passed Nov. 4, 1970)

8.27.030 Definitions.

The terms herein used, unless clearly contrary to or inconsistent with the context in which used, shall be construed as follows:

"Civil infraction" has the meaning given that term by chapter 7.80 RCW, the Infraction Rules for Courts of Limited Jurisdiction and any local rule adopted thereto by the Tacoma Municipal Court.

"Director" means the Executive Director of the Metropolitan Park District of Tacoma or his or her designee.

"Drones" or "Unmanned Aircraft Systems" (UAS) or "Unmanned Aerial Vehicle" (UAV) means a powered, aerial vehicle that does not carry a human operator, uses aerodynamic forces to provide vehicle lift, and can fly autonomously or be piloted remotely. The vehicle may be expendable and recoverable.

"Hearing Board" means the panel consisting of the persons designated by the City Manager or his or her designee or by the Director to adjudicate matters relating to the use of parks. The Hearing Board shall consist of three members. At least one member shall be appointed by the City Manager and at least one member shall be appointed by the Director.

"Hearing Officer" means a person designated by the City Manager or by the Director to adjudicate matters relating to the use of parks.

"Micromobility device" means a personal transportation device such as bicycles, scooters, skateboards, roller skates, roller blades, unicycles, mono wheel devices, surreys, electric personal assistive mobility devices (EPAMD) as defined in TMC 11.06.010 and electric motorized foot scooters as defined in TMC 11.06.020. A micromibility device includes all human powered devices, including devices powered by more than one person, and devices that are powered by an electric motor that is capable of propelling the device with or without the assistance of human propulsion.

"Park" means and includes all parks, squares, drives, parkways, docks, piers, moorage buoys and floats, boathouses, boulevards, golf courses, zoos, beaches, playgrounds, recreation areas, community centers, and any other facilities either developed or undeveloped, that are owned by the Metropolitan Park District of Tacoma or the City of Tacoma, or under the management and control of the Metropolitan Park District of Tacoma or the City of Tacoma.

"Rafting" or berthing of multiple boats, one outside the other, beside a pontoon, in between piles, or around a mooring buoy.

"Vape" or "Vaping means the use of any kind of vapor product.

"Vapor product" means any noncombustible product containing solution or other consumable substance, regardless of whether it contains nicotine, which employs a mechanical heating element, battery, or electronic circuit regardless of shape or size that can be used to produce vapor from the solution or other substance, including an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

"Vehicle" shall have the meaning set forth in RCW 46.04.670 as currently enacted or hereafter amended and shall also include (1) trailers, including trailers designed to be towed behind any vehicle, and (2) any personal transportation device such as bicycle, scooters, skateboards, unicycles, surreys or mono wheel devices that are powered by an internal combustion engine that is capable of propelling the device with or without human propulsion. A micromobility device is not a vehicle.

Wherever consistent with the context of this chapter, words in the present, past, or future tenses shall be construed to be interchangeable with each other, and words in the singular number shall be construed to include the plural.

(Ord. 28615 Ex. A; passed Oct. 1, 2019: Ord. 27819 Ex. A; passed Jul. 21, 2009: Ord. 27630 Ex. A; passed Jul. 10, 2007: Ord. 24165 § 1; passed Aug. 16, 1988: Ord. 19224 § 2; passed Nov. 4, 1970)

8.27.040 Permits – Assemblies, entertainment, etc.

It is necessary for any person who conducts or participates in any organized entertainment, demonstration, or public gathering in any park to obtain the prior written permission of the Director. The procedure for application and consideration of permits for this purpose is as follows:

A. Any person desiring a permit under the above provisions shall file a written application with the Director no later than one month prior to the date of the proposed use. The application shall state the purpose for which the park would be used, the date and time of the proposed use, the name of the park and the area thereof that would be used, the anticipated number of persons who would be present, and such other information reasonably relating to the contemplated use as the Director may require; provided, however, the said Director may, for good cause shown, waive the one-month requirement for filing said application.

B. In reviewing an application under this section, the Director shall consider the following conditions and standards:

1. The size of the park and any specialized purpose for which it is normally used or for which specialized facilities have been provided;

2. The location of the park, its aesthetic character and physical characteristics, and the character of the area surrounding it;

3. The anticipated size of the intended use and assemblage;

4. Policing problems that may arise from the intended use;

5. The effect of the intended use, including consideration of the noise to be expected, upon the adjacent area and its occupants; and

6. Other activities scheduled for the parks at the anticipated time and place.

C. If, under the conditions set forth in subsection B of this section, the Director finds after an investigation that the safety, comfort, and convenience of the public in the use of the parks, or in the usage of the area adjacent to the park, would be unduly disturbed, he or she may deny the application, may impose restrictions upon the permit, or may issue a permit for a different date, time, park, or park area so as to alleviate such burden. The Director may issue a permit for use of the park during hours when the park is closed if he or she approves the application.

(Ord. 28615 Ex. A; passed Oct. 1, 2019: Ord. 27630 Ex. A; passed Jul. 10, 2007: Ord. 24663 § 1; passed Jun. 26, 1990: Ord. 24165 § 2; passed Aug. 16, 1988: Ord. 19224 § 2; passed Nov. 4, 1970)

8.27.050 Permits – Generally.

Permits, when required by this chapter, shall be applied for through the Director unless otherwise specified. The granting or denying of permits shall be based upon the policies and standards set forth in this chapter and the rules of the Board of Park Commissioners or the Director, as now or hereafter amended, which are incorporated herein as though fully set forth. Where fees are required by the Board of Park Commissioners or the Director for the issuance of permits, payment of such fees will be required before permits are issued.

All permits issued hereunder shall be subject to other applicable Tacoma Municipal Code provisions, City ordinances, and Metropolitan Park District of Tacoma rules. The persons to whom such permits are issued ("permittees") shall be bound by said code, ordinances, and rules as fully as though the same were contained in such permits. A permittee shall be liable for any loss, damage, or injury sustained by any person by reason of the negligence, ulawful or wrongful conduct of the permittee, as well as for any breach of such code, ordinances, or rules, to the person or persons so suffering a loss, damage, or injury.

Permits issued for musical acts or bands shall specify that the noise/sound level emitting from such act or band shall be no greater than 90 decibels at or beyond 50 feet from the act or band and in no event greater than 90 decibels at the boundary of the park.

Any person claiming to have a permit issued hereunder must produce and exhibit such permit upon the request of any authorized person who may desire to inspect the same.

(Ord. 28615 Ex. A; passed Oct. 1, 2019: Ord. 24165 § 3; passed Aug. 16, 1988: Ord. 19224 § 2; passed Nov. 4, 1970)

8.27.060 Public disturbance noises.

A. Noise in parks and penalties for violations is regulated by TMC 8.12.060 and TMC 8.12.065, as now enacted or as subsequently amended, except that permitted events must comply with the standard set forth in TMC 8.27.050.

B. The use of public address systems or other sound-amplifying devices must be approved by specific permit.

1. A "sound-amplifying device" is any machine or device for the amplification of the human voice, music, or any other sound. "Sound-amplifying device," as used in this chapter, shall not be construed as including standard radios or similar equipment, when used in compliance with TMC 8.12.060, nor warning devices on authorized emergency vehicles nor horns or other warning devices on other vehicles and used only for traffic safety purposes.

C. It is a violation to use a public address or sound-amplifying device in a park without a permit.

(Ord. 28615 Ex. A; passed Oct. 1, 2019: Ord. 27630 Ex. A; passed Jul. 10, 2007: Ord. 19224 § 2; passed Nov. 4, 1970)

8.27.070 Destruction of park property.

It is unlawful for any person to damage or destroy any real or personal property within a park or to physically interfere with any Metropolitan Park District of Tacoma employee in the discharge of his or her duties within a park.

(Ord. 28615 Ex. A; passed Oct. 1, 2019: Ord. 27630 Ex. A; passed Jul. 10, 2007: Ord. 24165 § 4; passed Aug. 16, 1988: Ord. 19224 § 2; passed Nov. 4, 1970)

8.27.080 Intoxicating liquors and marijuana.

The display, possession, or consumption of intoxicating liquors in any park is prohibited, except in particular areas or facilities which may be expressly designated from time to time by the Director. A person who violates this section shall be guilty of a class 2 civil infraction not including statutory assessments.

The opening of a package containing marijuana, useable marijuana, marijuana-infused products, or marijuana concentrates, or consuming marijuana, useable marijuana, marijuana-infused products, or marijuana concentrates, in any park is prohibited. "Marijuana" means marijuana as defined by RCW 69.50.101 as now or hereafter amended. A person who violates this section shall be guilty of a class 3 civil infraction, not including statutory assessments.

Whenever any person is stopped for a violation of this section, the officer may detain that person for a reasonable period of time necessary to identify the person and check for outstanding warrants.

(Ord. 28615 Ex. A; passed Oct. 1, 2019: Ord. 27630 Ex. A; passed Jul. 10, 2007: Ord. 26679 § 2; passed Aug. 22, 2000: Ord. 24165 § 5; passed Aug. 16, 1988: Ord. 19224 § 2; passed Nov. 4, 1970)

8.27.085 Smoking and vaping in parks prohibited.

It is unlawful for any person to smoke or vape any product derived from or containing nicotine within a park, unless the product has been approved by the United States Food and Drug Administration as a tobacco cessation product, such as transdermal nicotine patches, nicotine gum and nicotine lozenges, or for the other medically approved purposes and is being used for that approved purpose.

For the purposes of this section, “smoke” or “smoking” means the carrying, holding, or smoking of any kind of lighted pipe, cigar, cigarette, or any other object that is lighted and used for smoking.

A violation of this section is a class 4 civil infraction, not including statutory assessments. Such penalty is in addition to any other remedies or penalties provided by law.

(Ord. 28615 Ex. A; passed Oct. 1, 2019: Ord. 27841 Ex. A; passed Oct. 20, 2009)

8.27.090 Selling, advertising, soliciting.

No person, except duly authorized concessionaires, and those having a specific permit, shall sell or offer for sale in any park any goods, refreshments, photographs, or other articles.

Advertising by the distribution, carrying, erection, attachment, or use of a handbill, sign, or device of any kind in any park is prohibited. It shall be unlawful to carry on any activity whatsoever for compensation or remuneration except upon express authorization of the Director, including, but not limited to, the sale of goods, wares, merchandise, and services.

(Ord. 28615 Ex. A; passed Oct. 1, 2019: Ord. 27630 Ex. A; passed Jul. 10, 2007: Ord. 19224 § 2; passed Nov. 4, 1970.)

8.27.100 Damage or removal of plants prohibited.

Unauthorized cutting, removal, or destruction of any turf, tree, plant, shrub, flower, or seaweed on park property is prohibited. While inside any park, having in one's possession any newly-plucked branch, tree, flower, plant, fungus (mushrooms, shelf fungus, etc.), algae (seaweed, etc.), or shrub without specific permission shall be presumptive evidence of such unauthorized cutting, removal, or destruction.

(Ord. 28615 Ex. A; passed Oct. 1, 2019: Ord. 24663 § 2; passed Jun. 26, 1990: Ord. 24165 § 6; passed Aug. 16, 1988: Ord. 19224 § 2; passed Nov. 4, 1970)

8.27.110 Disposal of trash.

No person shall throw or leave litter, garbage, trash, or yard waste in or at a park except in a receptacle provided for that purpose. No person shall deposit on any park property any household or commercial garbage, refuse, or rubbish which is brought as such from any private property. The penalty for violation of this section shall be as provided in TMC 8.12.150.

(Ord. 27630 Ex. A; passed Jul. 10, 2007: Ord. 24165 § 7; passed Aug. 16, 1988: Ord. 19224 § 2; passed Nov. 4, 1970)

8.27.120 Animal control.

A. Unless in a designated off-leash area, dogs and cats must be on a leash no longer than eight feet or secured inside a vehicle and are not allowed to enter wading pools, ponds, lakes, fountains, spraygrounds, or any play area designed to utilize water in any park. Animals of any other type are not permitted in any park unless first approved by the Director, except for service animals, as defined in RCW 9.91.170.

B. Any person with an animal in his or her possession shall be responsible for the conduct of the animal.

C. The provisions of this section do not apply to animals owned or maintained by the Metropolitan Park District of Tacoma.

D. The Director may prohibit animals, except for service animals as defined in RCW 9.91.170, from events and/or facilities within a park.

E. All provisions of Title 17 of this code remain in full force and effect in all parks and may be enforced by any police officer or animal control officer.

F. Any violation of this section is a class 1 civil infraction unless a different penalty is provided in Title 17 of this code.

(Ord. 27630 Ex. A; passed Jul. 10, 2007: Ord. 26810 § 4; passed May 15, 2001: Ord. 26617 § 2; passed Apr. 18, 2000: Ord. 24921 § 1; passed Jun. 11, 1991: Ord. 23153 § 1; passed Apr. 10, 1984: Ord. 19224 § 2; passed Nov. 4, 1970)

8.27.130 Molesting or feeding animals.

No person shall molest or harass any wildlife or non-domesticated animal in a park. It shall be unlawful for any person to give, offer, or attempt to give to any wildlife or non-domesticated animal within a park any tobacco, drink, or other substance known to be dangerous or noxious to wildlife or non-domesticated animals. It is also unlawful to feed any wildlife or non-domesticated animal in a park, except as authorized by the Director.

(Ord. 28615 Ex. A; passed Oct. 1, 2019: Ord. 27630 Ex. A; passed Jul. 10, 2007: Ord. 19224 § 2; passed Nov. 4, 1970)

8.27.140 Damage by animals.

Owners of dogs or other animals damaging or destroying park property will be held liable for the full value of the property damaged or destroyed, in addition to impounding fees and the penalty imposed for violation of these provisions.

(Ord. 19224 § 2; passed Nov. 4, 1970)

8.27.150 Prohibitions as to boating, fishing, and swimming.

It is unlawful for any person to boat, fish, wade, swim, scuba dive, snorkel, or bathe in any park except in the places and at times designated by the Director.

(Ord. 27630 Ex. A; passed Jul. 10, 2007: Ord. 24165 § 8; passed Aug. 16, 1988: Ord. 19224 § 2; passed Nov. 4, 1970)

8.27.160 Boats and beaches.

No dock or any other structure shall be built upon any beach unless expressly authorized. No boat shall be kept for hire or private use upon any waters under the jurisdiction of the Metropolitan Park District of Tacoma, except as expressly authorized by the Director. Launching of waterborne craft from any shoreline is prohibited, except for specifically designated areas or with specific permit issued by the Director. The launching of waterborne craft, as provided in this section, shall be unlawful if the required fee, as determined by the Director, has not been paid.

(Ord. 27630 Ex. A; passed Jul. 10, 2007: Ord. 24165 § 9; passed Aug. 16, 1988: Ord. 19224 § 2; passed Nov. 4, 1970)

8.27.165 Moorage buoy and float regulations.

Use of the park moorage buoys and floats shall be regulated as follows:

A. A boat shall not be moored at a park in excess of three overnight periods, whether continuous or not, within any 10-day period, unless authorized by the Director and then only upon payment of the applicable moorage fees.

B. Rafting shall be allowed only as follows: three vessels, when each is less than 21 feet in length; two vessels, when each is less than 30 feet in length; no rafting shall be allowed for vessels of 30 feet or more in length.

C. No trash shall be dumped from any moored vessel and all moored vessels must keep a litter bag on board.

D. Open display and/or consumption of alcoholic beverages while vessels are moored is prohibited.

E. No sewage shall be dumped from a vessel while moored.

F. Moored vessels must be currently registered and properly numbered.

G. Moorage fees, including parking and launching fees, shall be paid according to a fee schedule adopted by the Director. Any person who fails to pay the fees when due shall be guilty of a class 1 civil infraction, not including statutory assessments.

(Ord. 28615 Ex. A; passed Oct. 1, 2019: Ord. 27630 Ex. A; passed Jul. 10, 2007: Ord. 24165 § 10; passed Aug. 16, 1988)

8.27.170 Fires.

Fires are prohibited except in picnic stoves installed under the authority of the Director or in portable barbeques. Fires in any other facility or area are allowed only by special permit. Fires in picnic stoves or portable barbeques may only utilize propane or charcoal briquettes as fuel; all other fuel sources, including wood, are specifically prohibited. Portable barbeques may be utilized only for cooking food. Briquettes must be completely extinguished and properly disposed of or removed from the park. The Director may further restrict the use of barbeques within any park, provided that signs are installed to notify patrons of the restrictions.

(Ord. 27630 Ex. A; passed Jul. 10, 2007: Ord. 19224 § 2; passed Nov. 4, 1970)

8.27.180 Use of certain equipment.

It is unlawful for any person to use a slingshot, beanshooter, paintball gun or similar implement or equipment, or any hot air balloon, sky lantern or other device that uses a flame for lift or propulsion or other similar implement, or golf or archery equipment in or upon any park; except that golf and archery equipment may be used in areas specifically designated for that use, or as otherwise authorized by the Director.

It is unlawful to practice or play golf, baseball, tennis, soccer, or other games of like character, or to hurl or propel any projectile or missile into or over any park, except in areas specifically designated for that use. It is unlawful to operate motorized model aircraft, drones, unmanned aircraft systems (UAS), unmanned aerial vehicle (UAV), motorized models such as cars, cycles, trucks, or watercraft in any park, except as specifically designated for that use or as otherwise authorized by the Director.

(Ord. 28615 Ex. A; passed Oct. 1, 2019: Ord. 27630 Ex. A; passed Jul. 10, 2007: Ord. 24165 § 11; passed Aug. 16, 1988: Ord. 19224 § 2; passed Nov. 4, 1970)

8.27.190 Fireworks.

It is unlawful to carry, shoot, fire, or explode any fireworks or explosives of any kind in any park.

(Ord. 25320 § 1; passed Jun. 15, 1993: Ord. 24165 § 12; passed Aug. 16, 1988: Ord. 19224 § 2; passed Nov. 4, 1970)

8.27.200 Vehicle and micromobility device standards.

A. It is unlawful to enter or leave a park by other than established entrances and exits.

B. Vehicles are prohibited in any park, except on roads intended for the movement of public vehicular traffic, or on roads specifically designated and signed for such use.

C. Micromobility devices are permitted on roads, sidewalks, paths or trails in any park unless otherwise prohibited and signed for the particular micromobility device(s) being prohibited.

D. The parking of vehicles in any park is prohibited except in established parking areas. It is unlawful to park along roadways if the normal flow of traffic is impeded or if parking causes conditions that are hazardous to public safety. Any vehicle that is impeding traffic or is illegally parked may be impounded.

E. No person shall service, wash, wax, or change the oil of any vehicle within a park.

F. It is unlawful to engage in, conduct, or hold any trials or competitions for speed, endurance, or hillclimbing involving any vehicle, boat, aircraft, micromobility device, or animal in any park without specific permit.

G. All vehicles and micromobility devices shall obey the posted speed limits and all other regulatory signs.

(Ord. 28615 Ex. A; passed Oct. 1, 2019: Ord. 27630 Ex. A; passed Jul. 10, 2007: Ord. 24165 § 13; passed Aug. 16, 1988: Ord. 19224 § 2; passed Nov. 4, 1970)

8.27.205 Entrance fees.

Where fees are required by the Director for entering any park, it is unlawful to enter without paying the prescribed fee. Any person who fails to pay the fee when due shall be guilty of a class 1 civil infraction, not including statutory assessments.

(Ord. 28615 Ex. A; passed Oct. 1, 2019: Ord. 27630 Ex. A; passed Jul. 10, 2007: Ord. 24663 § 3; Jun. 26, 1990: Ord. 24165 § 14; passed Nov. 4, 1970)

8.27.210 No structures in parks; exceptions.

A. It is unlawful to erect, install, or place any structure within a park, except as provided herein.

B. "Structure" means any structure or shelter, including but not limited to any temporary makeshift dwelling units, lean-tos, shacks and/or trailers, comprised of tree branches, wood, plastic, metal, nylon, tarp or any other materials.

C. This section shall not apply to:

1. Any structure erected installed or placed within a park by the owner or operator of the park or as expressly authorized by the Director.

2. A temporary structure that has only a roof and no walls.

(Ord. 2815 § 2; passed Oct. 1, 2019: Ord. 27630 Ex. A; passed Jul. 10, 2007: Ord. 24165 § 15; passed Aug. 16, 1988: Ord. 19224 § 2; passed Nov. 4, 1970)

8.27.215 Parking fees required.

Where parking fees are required by the Board of Park Commissioners or the Director for parking within any park, it is unlawful to park without paying the prescribed parking fee. Any person violating this section shall be deemed to have committed a class 1 civil infraction.

(Ord. 28615 Ex. A; passed Oct. 1, 2019: Ord. 24663 § 4; Jun. 26, 1990)

8.27.220 Opening and closing hours, no use of parks when closed, exceptions.

A. Parks are considered open one-half hour before sunrise and closed one-half hour after sunset, unless otherwise expressly determined by the Director or otherwise posted at the park. Any person entering or remaining in a park when it is closed is subject to arrest and prosecution for criminal trespass. Any vehicle remaining in a park when the park is closed may be impounded and any personal property or structure remaining in a park when the park is closed may be removed.

B. The Director may extend open hours for sanctioned events or uses, but only that portion of a park specified by the Director will be open beyond normal hours; other areas of such a park shall remain closed.

C. This section shall not apply to:

1. the police substation at Wapato Park or to any other City facility constructed and operated in a park.

2. police officers or park employees while on-duty.

3. sidewalks that are within the right-of-way of a public street, when the street is not within the boundaries of a park.

(Ord. 28615 Ex. A; passed Oct. 1, 2019: Ord. 27630 Ex. A; passed Jul. 10, 2007: Ord. 24165 § 16; passed Aug. 16, 1988: Ord. 19224 § 2; passed Nov. 4, 1970)

8.27.230 Emergency conditions.

A. In case of an emergency, or in case where life and property are endangered, all persons, if requested to do so by the Director or other Metropolitan Park District of Tacoma employee or a police officer, shall depart from the portion of the grounds specified by such employee or officer, and shall remain off the same until permission is given to return.

B. Any person who remains on park property after being required to leave by a Metropolitan Park District of Tacoma employee or by a police officer, or who returns to the park without permission, is guilty of criminal trespass and may be arrested and prosecuted under the Tacoma Municipal Code. Any juvenile violating this section may be arrested and prosecuted under chapter 9.52 RCW, as currently enacted or hereafter amended.

(Ord. 28615 Ex. A; passed Oct. 1, 2019: Ord. 27630 Ex. A; passed Jul. 10, 2007: Ord. 19224 § 2; passed Nov. 4, 1970)

8.27.240 Aiding and abetting violations.

Anyone concerned in the violation of this chapter, whether directly committing the act or omitting to do the thing constituting the offense, or who aids or abets the same, and whether present or absent, and anyone who directly or indirectly counsels, encourages, hires, commands, induces, or otherwise procures another to commit such offense, is and shall be a principal under the terms of this chapter and shall be proceeded against and prosecuted as such.

(Ord. 19224 § 2; passed Nov. 4, 1970)

8.27.250 Penalty for violations.

Unless specifically designated to be enforced pursuant to other law, including, but not limited to, another section, chapter, or title of the Tacoma Municipal Code, any violation of this chapter shall constitute a Class 1 civil infraction, not including statutory assessments. Such penalty is in addition to any other remedies or penalties provided by law including, but not limited to, another section, chapter, or title of the Tacoma Municipal Code or the Revised code of Washington. For each act herein prohibited of a continuing nature, each day shall be considered a separate offense.

(Ord. 28615 Ex. A; passed Oct. 1, 2019: Ord. 27630 Ex. A; passed Jul. 10, 2007: Ord. 24165 § 17; passed Aug. 16, 1988: Ord. 22600 § 25; passed Dec. 29, 1981: Ord. 19224 § 2; passed Nov. 4, 1970.)

8.27.251 Authority to adopt a code of conduct.

The use and enjoyment of parks are enhanced when patrons abide by a code of conduct that promotes health and safety, that requires respect for the rights and needs of others, and that requires respect for the park property. The Director may adopt a code of conduct that regulates any activity or behavior in parks to protect the public's health and safety, to promote respect for

the rights and needs of others, and to preserve park property. The Director may also include within the code of conduct criteria to determine the length of any exclusion notice issued pursuant to TMC 8.27.255.

(Ord. 28615 Ex. A; passed Oct. 1, 2019)

8.27.255 Violators may be required to leave park.

A. When any Metropolitan Park District of Tacoma employee or any police officer has probable cause to believe that a person has violated any rule of the Metropolitan Park District of Tacoma, including but not limited to any code of conduct adopted by the Director pursuant to TMC 8.27.251, any provision of the Tacoma Municipal Code, or any provision of the Revised Code of Washington while in a park or other applicable law, he or she may require that person to leave the park immediately. Any person who remains on park property after being required to leave by a Metropolitan Park District of Tacoma employee or by a police officer, or who returns to any park on the same calendar day, is guilty of criminal trespass and may be arrested and prosecuted under the Tacoma Municipal Code. Any juvenile violating this section may be arrested and prosecuted under the Tacoma Municipal Code or under chapter 9.52 RCW as currently enacted or hereafter amended.

B. When any Metropolitan Park District of Tacoma employee or any police officer has probable cause to believe that a person has committed any of the following violations while in a park, he or she may require that person to leave the park immediately. Any person who remains on park property after being required to leave by a Metropolitan Park District of Tacoma employee or by a police officer, or who enters any park during the period of exclusion, is guilty of criminal trespass and may be arrested and prosecuted under the Tacoma Municipal Code. Any juvenile violating this section may be arrested and prosecuted under Tacoma Municipal Code or under chapter 9.52 RCW, as currently enacted or hereafter amended. The exclusion may be for 90 days and shall be in writing and delivered to the person being excluded.

A person committing any of the following violations may be excluded for 90 days:

1. a drug offense, including a violation of TMC 8.29.060 (drug paraphernalia); TMC 8.72, Drug-related Loitering; and TMC 8.28 Narcotics; or

2. a violation of TMC 8.46 (prostitution); or

3. an alcohol-related offense, including a violation of TMC 8.27.080 (drinking in a park), a violation of TMC 8.20 (intoxicating liquor), a violation of chapter 66 RCW (alcoholic beverage control); or

4. TMC 8.12.013, assault; or

5. TMC 8.106.010, harassment; or

6. TMC 8.12.111, indecent exposure; or

7. TMC 8.32.020, indecent conduct; or

8. TMC 8.12.120, destruction of property; or

9. TMC 17.04, relating to a dangerous or potentially dangerous dog; or

10. TMC 17.02.100, TMC 17.02.110, directing a dog to attack; or

11. TMC 17.01.160, TMC 17.01.161, a crime relating to animals or cruelty to animals; or

12. TMC 8.12.026, vehicle prowling; or

13. TMC 8.12.170, stalking; or

14. TMC 8.13A.040, solicitation by coercion; or

15. TMC 8.12.010(8), theft; or

16. TMC 8.12.010(6), discharging a firearm; or

17. TMC 8.12.014, reckless endangerment; or

18. TMC 8.12.090, sexual assault; or

19. TMC 8.12.113, communication with minor for immoral purposes; or

20. TMC 8.12.115, sexual misconduct with a minor in the second degree; or

21. TMC 8.12.025, criminal trespass, but only when the trespass is based on the person violating a previously issued exclusion order; or

22. RCW 46.61.500 or 46.61.530, Reckless driving/racing; or

23. RCW 46.61.502 or 46.61.504, DUI; or

24. RCW 79A.60.040, boating - DUI or reckless; or

25. TMC 8.66 (weapons); or

26. violation of a court order issued pursuant to chapter 8.105 TMC, chapter 7.90 RCW, chapter 10.99 RCW, chapter 26.09 RCW, chapter 26.10 RCW, chapter 26.26 RCW, chapter 26.50 RCW, chapter 74.34 RCW, RCW 26.52.010, or a foreign protection order, as defined by RCW 26.52.010; or

27. TMC 8.120.030, graffiti; or

28. TMC 8.12.150, littering, but only when the amount of garbage, rubbish, refuse, or material amounts to five gallons or more; or

29. TMC 8.27.210, no structure in parks; or

30. TMC 8.27.220, no use of parks when closed; or

31. TMC 8.27.251, code of conduct adopted by the Director; or

32. a violation of any other rule of the Metropolitan Park District of Tacoma, any provision of the Tacoma Municipal Code, or any provision of the Revised Code of Washington or other applicable law when it is a repeat violation or the person has been the subject of one (1) prior exclusion notice issued under this section within one (1) year prior to the current violation.

C. When any Metropolitan Park District of Tacoma employee or any police officer has probable cause to believe that a person has committed any of the following violations while in a park, he or she may require that person to leave the park immediately. Any person who remains on park property after being required to leave by a Metropolitan Park District of Tacoma employee or by a police officer, or who enters any park during the period of exclusion, is guilty of criminal trespass and may be arrested and prosecuted under the Tacoma Municipal Code. Any juvenile violating this section may be arrested and prosecuted under the Tacoma Municipal Code or under chapter 9.52 RCW, as currently enacted or hereafter amended. The exclusion shall be for one (1) year and shall be in writing and delivered to the person being excluded.

A person committing any of the following violations may be excluded for one (1) year:

1. Any felony, as defined by state or federal law; or

2. a violation of TMC 8.67 (firearms); or

3. a violation of any rule of the Metropolitan Park District of Tacoma, any provision of the Tacoma Municipal Code, or any provision of the Revised Code of Washington when the person has been the subject of two (2) or more prior exclusion notices issued under subsection B above, within one (1) year prior to the current violation.

D. The person being excluded need not be charged, tried, or convicted of any crime or be issued an infraction or have an infraction found committed in order for an exclusion notice to be issued or effective. The exclusion may be based upon observation by a Metropolitan Park District of Tacoma employee or observation by a police officer or upon the sort of civilian reports that would ordinarily be relied upon by police officers in the determination of probable cause.

E. The exclusion notice shall be in writing and shall contain the date of issuance; the violation which the person is alleged to have committed; and a citation of the code, statute, or park rule violated. The exclusion notice shall specify the length and places of exclusion and the method for appealing the notice. It shall be signed by the issuing individual. Warning of the consequences for failure to comply shall be prominently displayed on the notice.

F.1. A person receiving an exclusion notice longer than one (1) day may file a written appeal before the Hearing Officer to have the exclusion notice rescinded or the duration of the exclusion shortened. The written appeal must be under oath and set forth all facts relied upon by the person for his or her contention that the notice should be rescinded or shortened. The written appeal shall be accompanied by a copy of the exclusion notice which is being appealed. The written appeal must be delivered to the Hearing Officer or postmarked no later than seven (7) calendar days after the issuance of the exclusion notice. The Hearing Officer shall issue a ruling upholding, rescinding, or shortening the duration of the exclusion no later than five (5) business days after receipt of the written appeal.

2. The Hearing Officer shall consider the exclusion notice and any other materials submitted that the Hearing Officer considers relevant and trustworthy.

3. If the violation is proved by a preponderance of the evidence, the exclusion notice shall be upheld; but upon good cause shown, the Hearing Officer may shorten the duration of the exclusion. If the violation is not proved by a preponderance of the evidence, the Hearing Officer shall rescind the exclusion. If the Hearing Officer rescinds an exclusion, the exclusion shall not be considered a prior exclusion for purposes of this section.

G.1. A person receiving an exclusion notice longer than one (1) day may request a hearing before the Hearing Board to have the exclusion notice rescinded or the duration of the exclusion shortened. A person requesting a hearing must comply with the requirements of subsection F above and contain a written request for a hearing. The hearing should occur within ten (10) business days after the Hearing Board receives the request for hearing. The Hearing Board shall take reasonable steps to notify the offender of the date, time, and place of the hearing.

2. At the hearing, the violation must be proved by a preponderance of the evidence in order to uphold the exclusion notice. The exclusion notice establishes a prima facie case that the offender committed the violation as described. The Hearing Board shall consider a sworn report or a declaration under penalty of perjury, as authorized by RCW 9A.72.085, written by the individual who issued the exclusion notice, without further evidentiary foundation. The certifications authorized in Rule 6.13 of the Criminal Rules for Courts of Limited Jurisdiction shall be considered without further evidentiary foundation. The rules and procedures for the Hearing Examiner set forth in TMC 1.23 and the Rules of Procedure for Hearings adopted by the Hearing Examiner shall govern hearing procedures.

3. If the violation is proved, the exclusion notice shall be upheld; but upon good cause shown, the Hearing Board may shorten the duration of the exclusion. If the violation is not proved by a preponderance of the evidence, the Hearing Officer shall rescind the exclusion. If the Hearing Board rescinds an exclusion, the exclusion shall not be considered a prior exclusion for purposes of this section.

H. The decision of the Hearing Officer or Hearing Board is final. An offender seeking judicial review of the Hearing Officer's or Hearing Board's decision must comply with TMC 1.23 and the Rules of Procedure for Hearings adopted by the Hearing Examiner.

I. The exclusion shall remain in effect during the pendency of any administrative or judicial proceeding.

J. No determination of facts made by a person conducting a hearing under this section shall have any collateral estoppel effect on a subsequent criminal prosecution or civil proceeding and shall not preclude litigation of those same facts in a subsequent criminal prosecution or civil proceeding.

K. Any person who remains on park property after being required to leave by a Metropolitan Park District of Tacoma employee or by a police officer, or who enters any park during a 90-day or one-year exclusion, is guilty of criminal trespass and may be arrested and prosecuted under the Tacoma Municipal Code. Any juvenile violating this section may be arrested and prosecuted under the Tacoma Municipal Code or under chapter 9.52 RCW as currently enacted or hereafter amended.

(Ord. 28615 Ex. A; passed Oct. 1, 2019: Ord. 27819 Ex. A; passed Jul. 21, 2009: Ord. 27630 Ex. A; passed Jul. 10, 2007)

8.27.260 Severability.

If any part, provision, or section of this chapter is held to be void or unconstitutional, all other parts not expressly so held shall continue in full force and effect.

(Ord. 19224 § 2; passed Nov. 4, 1970)

CHAPTER 8.28
NARCOTICS

Sections:

8.28.005 Enforcement priority.
8.28.010 Unlawful acts.
8.28.011 Opening or consuming package containing marijuana, useable marijuana, or marijuana-infused product in view of general public – Penalty – Adoption by Reference.
8.28.012 Crimes – Limitations of chapter – Public display of medical cannabis – Adoption by Reference.
8.28.015 Presence where drugs kept.
8.28.020 Definitions.
8.28.030 Complaint.
8.28.040 Violation – Penalty.
8.28.050 Severability.

8.28.005 Enforcement priority.

The police chief and city attorney shall make the investigation, arrest, and prosecution of cannabis (a/k/a "marijuana") offenses the lowest enforcement priority, as this term may be defined in their policies and procedures manuals, for adult personal use.

(City of Tacoma Initiative 1; General Election Nov. 8, 2011)

8.28.010 Unlawful acts.

A. It is unlawful, except as provided pursuant to Chapter 69.50 RCW as now or hereafter amended, for any person to:

1. Offer to sell, offer to purchase, or purchase any controlled substance with the intent to sell, or purchase any such controlled substance or any other liquid, substance, or material in lieu of such controlled substance; or

2. Have in his or her actual or constructive possession 40 grams or less of marijuana.

B. Definitions.

1. "Controlled substance" means any substance classified in Schedule I, II, III, IV, or V of Chapter 69.50 RCW as now or hereafter amended.

2. "Marijuana" means marijuana as defined by RCW 69.50.101 as now or hereafter amended.

3. "Offer" has its ordinary meaning and includes a manifestation in any form of willingness to enter into a bargain.

C. Inference of Intent. In any prosecution pursuant to subsection A of this section, any person who makes an offer to sell or offer to purchase a controlled substance, or who makes a purchase of a controlled substance or any other liquid, substance, or material in lieu of such controlled substance, may be inferred to have acted with intent to do the same unless such offer shall be explained by evidence satisfactory to the trier of fact to have been made without such criminal intent.

(Ord. 25234 § 1; passed Dec. 22, 1992: Ord. 24615 § 1; passed Apr. 17, 1990: Ord. 18289 § 2; passed May 16, 1967: Ord. 16587; passed Jun. 7, 1960)

8.28.011 Opening or consuming package containing marijuana, useable marijuana, or marijuana-infused product in view of general public – Penalty – Adoption by Reference.

RCW 69.50.445, “Opening or consuming package containing marijuana, useable marijuana, or marijuana-infused product in view of general public – Penalty,” as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

(Ord. 28169 Ex. A; passed Sept. 10, 2013)

8.28.012 Crimes – Limitations of chapter – Public display of medical cannabis – Adoption by Reference.

RCW 69.51A.060(1), “Crimes – Limitations of chapter ,” as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

(Ord. 28169 Ex. A; passed Sept. 10, 2013)

8.28.015 Presence where drugs kept.

It shall be unlawful for any person to be in a place knowing that any dangerous drug is being illegally kept, illegally used, or illegally sold therein. It shall be presumed that any person present where any dangerous drug is illegally kept, illegally used, or illegally sold is there with knowledge of the presence of the dangerous drug; provided, however, unless flight by the actor or other circumstance makes it impracticable, a peace officer shall, prior to any arrest for an offense under this section, afford the actor an opportunity to explain his presence and conduct. No person shall be convicted of an offense under this section if the peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true and the person, in fact, had no knowledge of the presence of the dangerous drug.

(Ord. 19065 § 2; passed Mar. 31, 1970)

8.28.020 Definitions.

A. "Dispense," within the meaning of this chapter, includes distribute, leave with, give away, dispose of or deliver.

B. "Sale," within the meaning of this chapter includes barter, exchange or gift or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee.

C. "Narcotic drugs" means coca leaves, opium, cannabis, isonipecaine, amidone, isosmidone, keto-bemidone, and every other substance neither chemically nor physically distinguishable from them.

1. "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture, or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine, or substances from which cocaine or ecgonine may be synthesized or made.

2. "Opium" includes morphine, codeine, and heroin, and any compound, manufacture, salt, derivative, mixture, or preparation of opium, but does not include apomorphine or any of its salts.

3. "Cannabis" includes all parts of the plant Cannabis sativa L., whether growing or not, the seeds thereof, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds, or resin, but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

4. "Amidone" means any substance identified chemically as (4-4 diphenyl-6-dimethylamino-heptanone-3), or any salt thereof, by whatever trade name designated.

5. "Isoamidone" means any substance identified chemically as (4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3), or any salt thereof, by whatever trade name designated.

6. "Keto-bemidone" means any substance identified chemically as (4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl ketone hydrochloride), or any salt thereof, by whatever trade name designated.

D. "Barbiturate" means amytal, luminal, veronal, barbital, acid diethylbarbituric, or any salts, derivatives, or compounds thereof, or any preparation or compound containing any of the foregoing substances, or their salts, derivatives, or compounds, or any registered, trademarked, or copyrighted preparation or compound registered in the United States patent office containing more than one grain to the avoirdupois or fluid ounce of the above substances; or para-amino-benzene sulfonamide, sulfanilamid, sulfamidyl, prontylin, prontosil, neoprontosil, neoprontylin, edimalin, sulfonamid or any salts, derivatives, or compounds thereof or any registered, trademarked, or copyrighted preparation or compound registered in the United States patent office containing such substances.

E. "Amphetamines" means any amphetamine or any dextroamphetamine, or any salts, derivatives, or compounds thereof, or any preparation or compound containing any of the foregoing substances, or their salts, derivatives, or compounds, or any registered, trademarked, or copyrighted preparation or compound registered in the United States patent office containing more than one grain to the avoirdupois or fluid ounce of the above substances.

F. "Place," within the meaning of this chapter, includes any dwelling house, residence, apartment, hotel, motel, motor vehicle, or portion of a business establishment not open to the general public.

G. "Dangerous drug," within the meaning of this chapter, means any narcotic drug, cannabis, any barbiturate, any amphetamine or derivative thereof, any drug found by Federal law or regulation or Washington State Board of Pharmacy regulation to have a potential for abuse because of its depressive or stimulative effect on the central nervous system or its hallucinogenic effect, or any other drug which is required by any applicable Federal or State law or Federal regulation or Washington State Board of Pharmacy regulation to be used only on prescription.

(Ord. 19065 § 3; passed Mar. 31, 1970: Ord. 16587 § 2; passed Jun. 7, 1960)

8.28.030 Complaint.

In any prosecution for the violation of the provisions of this chapter, it shall not be necessary for the complaint to set forth any negative allegation nor for the plaintiff to prove that the defendant does not come within any of the exceptions herein contained, but such exceptions shall be considered a matter of defense, and the burden shall be on the defendant to show that he comes within such exceptions.

(Ord. 15306 § 3; passed Apr. 11, 1955)

8.28.040 Violation – Penalty.

A. Any person violating Section 8.28.010.A.1 shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding $5,000.00 or by imprisonment in the Pierce County Jail for not more than 365 days, or by both such fine and imprisonment.

B. Any person convicted of violating any other provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment in the Pierce County Jail for not more than 90 days, or by both such fine and imprisonment.

C. A person who is convicted of violation of Section 8.28.010.A.2 shall be punished by imprisonment for not less than 24 consecutive hours, and by a fine of not less than $250.00. On a second or subsequent conviction, the fine shall not be less than $500.00. These fines shall be paid in addition to any other fine or penalty imposed. Unless the court finds that the imposition of the minimum imprisonment will pose a substantial risk to the defendant's physical or mental well-being or that local jail facilities are in an overcrowded condition, the minimum term of imprisonment shall not be suspended or deferred. If the court finds such risk of overcrowding exists, it shall sentence the defendant to a minimum of 40 hours of community service. If a minimum term of imprisonment is suspended or deferred, the court shall state in writing the reasons for granting the suspension or deferral and the facts upon which the suspension or deferral is based. Unless the court finds the person to be indigent, the minimum fine shall not be suspended or deferred.

(Ord. 25234 § 2; passed Dec. 22, 1992: Ord. 22600 § 26; passed Dec. 29, 1981: Ord. 15306 § 4; passed Apr. 11, 1955)

8.28.050 Severability.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of this chapter and the application of such provisions to any person or circumstance shall not be affected thereby.

(Ord. 19065 § 4; passed Mar. 31, 1970)

CHAPTER 8.29
DRUG PARAPHERNALIA

Sections:

8.29.005 Enforcement priority.
8.29.010 Findings.
8.29.020 Intent and purpose.
8.29.030 Definitions.
8.29.040 *Repealed*.
8.29.050 *Repealed*.
8.29.060 Illegal conduct.
8.29.065 *Repealed*.
8.29.070 Violation – Penalty.
8.29.080 Revocation of business license.
8.29.090 *Repealed*.
8.29.100 Exceptions.
8.29.110 Seizure.
8.29.120 Severability.

8.29.005 Enforcement priority.

The police chief and city attorney shall make the investigation, arrest, and prosecution of cannabis (a/k/a "marijuana") offenses the lowest enforcement priority, as this term may be defined in their policies and procedures manuals, for adult personal use.

(City of Tacoma Initiative 1; General Election Nov. 8, 2011)

8.29.010 Findings.

The illegal use of controlled substances within the City creates serious social, medical, and law enforcement problems and constitutes a nuisance hazardous to the health and welfare of the citizens of the City. It causes serious physical and psychological damage to the youth of this community, impairs educational achievement and efficiency, increases non-drug-related crime, and threatens the ability of the community to ensure future generations of responsible and productive adults. The proliferation of the display of drug paraphernalia in stores within the City, and the manufacture, distribution, and sale of such paraphernalia, intensifies and otherwise compounds the problem of illegal use of controlled substances within this community. All of the foregoing is detrimental to the health, safety, and welfare of the citizens of Tacoma.

(Ord. 27272 § 1; passed Oct. 5, 2004: Ord. 22182 § 1; passed Aug. 26, 1980)

8.29.020 Intent and purpose.

A. The City Council has been aware of and concerned about the general proliferation of establishments engaged in the sale of paraphernalia associated with drug use. In 1980, the City Council passed Ordinance No. 22182, regulating the display of drug paraphernalia to minors. However, the City Council now finds that the present ordinance has been ineffective and the continued proliferation of drug paraphernalia and illegal use of controlled substances by all persons, especially those under 18 years of age, requires further legislation on the subject.

B. The display of drug paraphernalia in stores within the City, and the distribution of such paraphernalia, intensifies and otherwise compounds the problem of illegal use of controlled substances within this community. A ban only upon the display and distribution of drug paraphernalia to persons under 18 years of age has not proven practical. A person who displays or distributes has difficulty determining who could lawfully view or receive drug paraphernalia.

C. The present ordinance creates an unnecessary enforcement burden by adding the age of a person who views or receives paraphernalia as an element of a prohibition upon display and distribution. A significant number of high school students are 18 years of age or older. It would be lawful to display and distribute paraphernalia to some students attending the same school in which the display or distribution to other students would be prohibited. Permitted display and distribution to adults within the community symbolizes a public tolerance of illegal drug use, making it difficult to explain the rationale of programs directed against similar abuse by youth. The problem of illegal consumption of controlled substances within this community is significant and substantial.

D. This chapter is a measure which is necessary in order to discourage the illegal use of controlled substances within the community. Therefore, it is the purpose and intent of the City Council to introduce this measure banning the manufacture, distribution, display, and sale of drug paraphernalia in order to discourage the illegal use of controlled substances within the City.

(Ord. 27272 § 1; passed Oct. 5, 2004: Ord. 22182 § 1; passed Aug. 26, 1980)

8.29.030 Definitions.

A. As used in this chapter, "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as defined by chapter 69.50 RCW, possession of which is unlawful under chapter 69.50 RCW. It includes, but is not limited to:

1. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

2. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

3. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

4. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances;

5. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting controlled substances;

7. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

8. Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances;

9. Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

10. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;

11. Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;

12. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

b. Water pipes;

c. Carburetion tubes and devices;

d. Smoking and carburetion masks;

e. Roach clips: Meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

f. Miniature cocaine spoons, and cocaine vials;

g. Chamber pipes;

h. Carburetor pipes;

i. Electric pipes;

j. Air-driven pipes;

k. Chillums;

l. Bongs; and

m. Ice pipes or chillers.

B. In determining whether an object is drug paraphernalia under this section, a court or other authority should consider, in addition to all other logically relevant factors, the following:

1. Statements by an owner, or by anyone in control of the object, concerning its use;

2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;

3. The proximity of the object, in time and space, to a direct violation of chapter 69.50 RCW;

4. The proximity of the object to controlled substances;

5. The existence of any residue of controlled substances on the object;

6. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of chapter 69.50 RCW; the innocence of an owner, or of anyone in control of the object, as to a direct violation of chapter 69.50 RCW shall not prevent a finding that the object is intended or designed for use as drug paraphernalia;

7. Instructions, oral or written, provided with the object concerning its use;

8. Descriptive materials accompanying the object which explain or depict its use;

9. National and local advertising concerning its use;

10. The manner in which the object is displayed for sale;

11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

12. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;

13. The existence and scope of legitimate uses for the object in the community; and

14. Expert testimony concerning its use.

(Repealed and reenacted by Ord. 27639 Ex. A; passed Aug 28, 2007: Ord. 27357 § 1; passed May 10, 2005: Ord. 27272 § 1; passed Oct. 5, 2004: Ord. 22182 § 1; passed Aug. 26, 1980)

8.29.040 Display or sale – Revocation of business license. *Repealed by Ord. 27639.*

(Ord. 27639 Ex. A; passed Aug. 28, 2007: Ord. 27357 § 2; passed May 10, 2005: Ord. 27272 § 1; passed Oct. 5, 2004: Ord. 22182 § 1; passed Aug. 26, 1980)

8.29.050 Distribution – Revocation of business license. *Repealed by Ord. 27639.*

(Ord. 27639 Ex. A; passed Aug. 28, 2007: Ord. 27357 § 3; passed May 10, 2005: Ord. 27272 § 1; passed Oct. 5, 2004: Ord. 22182 § 1; passed Aug. 26, 1980)

8.29.060 Illegal conduct.

A. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance other than marijuana. Any person who violates this subsection is guilty of a misdemeanor.

B. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance other than marijuana. Any person who violates this subsection is guilty of a misdemeanor.

C. Any person 18 years of age or over who violates subsection B of this section by delivering drug paraphernalia to a person under 18 years of age who is at least three years his junior is guilty of a gross misdemeanor.

D. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of drug paraphernalia. Any person who violates this subsection is guilty of a misdemeanor.

E. Every person who sells or gives, or permits to be sold or given to any person, any drug paraphernalia in any form commits a class I civil infraction under chapter 7.80 RCW. For purposes of this subsection, “drug paraphernalia” means all equipment,

products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance other than marijuana. Drug paraphernalia includes, but is not limited to, objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing cocaine into the human body, such as:

1. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, or punctured metal bowls;

2. Water pipes;

3. Carburetion tubes and devices;

4. Smoking and carburetion masks;

5. Miniature cocaine spoons and cocaine vials;

6. Chamber pipes;

7. Carburetor pipes;

8. Electric pipes;

9. Air-driven pipes; and

10. Ice pipes or chillers.

F. It shall be no defense to a prosecution for a violation of subsection E that the person acted, or was believed by the defendant to act, as agent or representative of another.

G. Nothing in subsection E of this section prohibits legal distribution of injection syringe equipment through public health and community-based HIV prevention programs, and pharmacies.

(Ord. 28169 Ex. B; passed Sept. 10, 2013: Ord. 27639 Ex. A; passed Aug. 28, 2007: Ord. 27357 § 4; passed May 10, 2005: Ord. 27272 § 1; passed Oct. 5, 2004: Ord. 22182 § 1; passed Aug. 25, 1980)

8.29.065 Illegal conduct. *Repealed by Ord. 27272.*

(Ord. 27272 § 1; passed Oct. 5, 2004: Ord. 24171 § 1; passed Aug. 23, 1988)

8.29.070 Violation – Penalty.

Violations of this chapter shall constitute a separate offense for each day upon which the violation occurs or is allowed to continue. Any person convicted of having violated a section of this chapter identified as a gross misdemeanor shall be punished by a fine of not more than $5,000 or a jail sentence of not more than one year, or both such fine and imprisonment. Any person convicted of having violated a section of this chapter identified as a misdemeanor shall be punished by a fine of not more than $1,000 or a jail sentence of not more than 90 days, or both such fine and imprisonment. Any person convicted of violating this chapter shall be subject to the minimum penalties set forth in RCW 69.50.425 as now enacted or subsequently amended.

(Ord. 27626 Exhibit A; passed Jun. 19, 2007: Ord. 27272 § 1; passed Oct. 5, 2004: Ord. 22182 § 1; passed Aug. 25, 1980)

8.29.080 Revocation of Business License.

A. The purpose of this chapter is to protect the welfare, health, peace, and safety of the citizens of Tacoma by assuring that businesses within City boundaries conduct their business in a manner that does not promote or encourage the use of illegal drugs within the community.

1. Any license issued under Title 6 TMC may be suspended or revoked for any violation of this chapter by the licensee, or his or her agents or employees on the premises of the licensed business. For the purposes of this section, the term “premises” includes a vehicle.

2. Any license issued under Title 6 TMC may be suspended or revoked for any violation of this chapter by persons other than those listed in subsection (a) when the business owner or operator can reasonably control or prevent the violation.

3. Past violation of this chapter may be considered under Title 6 TMC in determining whether to issue a business license to any person.

4. The standard of proof for a violation is a preponderance of the evidence. It is not necessary for a person to be charged with or convicted of a crime for a violation to occur. Suspension or revocation of a license shall be in addition to any other remedy provided by law, including the penalty provisions applicable for violation of the terms and provisions of this chapter.

5. The procedures for suspending or revoking a license and any appeal of the suspension or revocation shall be in accordance with Title 6 TMC.

B. For a first violation of this chapter, the license of the owner shall be suspended for 30 days. During this 30-day period, the owner shall cease all activity related to that license. At the end of the 30-day period, the license may be reinstated, provided that the licensee refrains from violating this chapter or other provisions of law and complies with all other legal requirements. The 30-day period shall run from the date of suspension unless a timely appeal is filed. In the event a timely appeal is filed but ultimately denied, the 30-day period shall begin to run the day after all appellate remedies have been exhausted.

C. If a licensee engages in activity during any period of suspension or subsequently violates this chapter at any time after a first violation, the license shall be revoked for a period of one year. The one-year period shall run from the date of revocation unless a timely appeal is filed. In the event a timely appealed is filed but ultimately denied, the one-year period shall begin to run the day after all appellate remedies have been exhausted. The licensee shall not be eligible for any license from the City of Tacoma during this period. At the end of the one-year period, the licensee may apply for a new license, provided that the licensee complies with all requirements for such a license, posts a $50,000 performance bond, refrains from violating this chapter or other provisions of law, and complies with all other legal requirements. The performance bond must continue in effect for all periods during which the licensee conducts business or a licensed activity in the City of Tacoma. The performance bond shall be forfeited and the license permanently revoked should the licensee subsequently violate this chapter or other provisions of law.

D. Second revocation of license. If a license is revoked and a performance bond forfeited pursuant to Section C of this subsection, the licensee shall never be eligible for any license to conduct or manage any business or activity in the City of Tacoma.

E. The penalties set forth herein and throughout this chapter apply to the licensee or any business or entity in which the licensee has an ownership interest or membership, or in which the licensee has or has had influence or control. A licensee may not circumvent the provisions of this chapter by applying for a license in the name of a spouse, relative, or other person, or by using shell business entities. The Tax & License Division Manager may require any license applicant to provide such documentation as necessary to fully determine the true status of ownership, control, and finances of that business.

F. The remedies under this section shall be in addition to any other remedy provided by law, including the penalty provisions applicable for violation of the terms and provisions of this chapter.

(Ord. 27639 Ex. A; passed Aug. 28, 2007: Ord. 27272 § 1; passed Oct. 5, 2004)

8.29.090 Nuisance or chronic nuisance. *Repealed by Ord. 27639.*

(Ord. 27639 Ex. A; passed Aug. 28, 2007: Ord. 27272 § 1; passed Oct. 5, 2004)

8.29.100 Exceptions.

This section shall not apply to:

(1) any person authorized by local, state, or federal law to manufacture, possess, or distribute such items, or

(2) any item that, in the normal lawful course of business, is imported, exported, transported, or sold through the mail or by any other means, and traditionally intended for use with tobacco products.

(Repealed and reenacted by Ord. 27639 Ex. A; passed Aug. 28, 2007: Ord. 27272 § 1; passed Oct. 5, 2004)

8.29.110 Seizure.

Any drug paraphernalia that was displayed, distributed, used, possessed, sold, or manufactured in violation of this section may be seized and, after a conviction for that violation, shall be forfeited, and upon forfeiture shall be disposed of pursuant to RCW 69 or any other applicable provision of law.

(Ord. 27272 § 1; passed Oct. 5, 2004)

8.29.120 Severability.

If any provision or section of this chapter shall be held to be void or unconstitutional, all other parts, provisions, and sections of this chapter not expressly so held to be void or unconstitutional shall continue in full force and effect.

(Ord. 27272 § 1; passed Oct. 5, 2004)

CHAPTER 8.30[1]
PUBLIC NUISANCES

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8.30.010 Purpose and intent.

The purpose of this chapter is to provide for the protection of the public health, safety, and welfare of the citizens of the City of Tacoma by proscribing those nuisances which equally affect the rights of an entire community. The presence of litter, overgrown and/or uncultivated vegetation, and other forms of waste or various hazards require an emphasis on measures to correct those conditions which are injurious to the public health, safety, and welfare. It is the intent of the City Council to establish efficient administrative procedures to enforce the regulations of the City, to provide a prompt process to address alleged violations, and to establish standards to be used by the City to abate public nuisances. This chapter further serves to establish procedures, as authorized by RCW 35.22.280 and other laws, both State and City, providing for the enforcement of the provisions herein.

(Ord. 27940 Ex. A; passed Nov. 2, 2010: Ord. 27536 § 2; passed Oct. 17, 2006)

8.30.020 Definitions.

Unless otherwise specified, for purposes of this chapter, certain terms, phrases, words, and their derivatives shall be construed, as specified in this section. Terms, phrases, and words used in the singular include the plural and the plural the singular. Where terms, phrases, and words are not defined herein within this chapter, they shall have their ordinary accepted meaning within the context in which they are used.

A. “Abate” means to repair, replace, remove, destroy, or otherwise remedy a condition which constitutes a violation of this chapter by such means and in such a manner and to such an extent as the Public Official determines is necessary in the interest of the public health, safety, and welfare of the community.

B. “Act” shall mean anything done, being done, or to be done; performance; deed.

C. “Apparently Inoperable Vehicle” means:

1. that the vehicle does not appear to comply with requirements for safe and legal operation on public streets or highways with regard to licensing, brakes, lights, tires, safety glass, or other safety equipment; or

2. a vehicle that has been determined by the Tacoma-Pierce County Health Department to be unfit for use due to contamination from methamphetamine or other substances, which are harmful to human health or the environment; or

3. other circumstances or conditions that are evidence that the vehicle is not currently operable, including, but not limited to, a vehicle having its passenger compartment filled with trash or debris; vegetation growing inside, around, or on the vehicle; or other evidence that the vehicle has not been moved for an extended period of time.

[1] 8.30 Nuisances, repealed and reenacted as Public Nuisances by Ord. 27536, Oct. 17, 2006. Ordinances referenced in repealed section include: Ord. 27466 passed Jan. 17, 2006; Ord. 27002 passed Nov. 12, 2002.

D. “Attractive nuisance” shall mean any object or condition which can reasonably constitute a hazard or danger and which is accessible to unauthorized persons.

E. “Certificate of Complaint,” for purposes of this chapter, is a document filed with the Pierce County Auditor, stating that the property has been determined to be in violation of TMC 8.30.

F. “Control” means the ability to regulate, restrain, dominate, counteract, or govern property or conduct that occurs on a property.

G. “Litter” shall include, but is not limited to, debris in the form of cans, bottles, glass, ashes, plastic materials, garbage, wastepaper, packing material, scrap iron, wire, metal articles, discarded furniture and appliances, junk, broken stone or cement, scrap wood, pallets, tires, discarded building materials, inoperable bicycles, or bicycle parts, rags, boxes, crates, packing cases, mattresses, bedding, tree and vegetation trimmings, and all other trash, including abandoned inflammable materials, which are a fire hazard or a menace to the public health, safety, or welfare.

H. “Owner” means any person, including any natural person, joint venture, partnership, association, club, company, corporation, business trust, or organization, or the manager, lessee, agent, officer, or employee of any of them, having any interest in the real estate in question as indicated in the records of the office of the Pierce County Assessor, or who establishes, under this chapter, his or her ownership interest therein.

I. “Premises” and “property” may be used by this chapter interchangeably and means any building, lot, tax parcel, dwelling, rental unit, real estate, or land, or portion thereof, including, but not limited to, property used as residential or commercial property and may include the adjacent “public right-of-way” as defined herein.

J. “Public Official” means any official designated by the City Manager, or his or her designee, authorized to enforce this chapter, including, but not limited to, officials of the City of Tacoma, Police Department, Fire Department, Public Works Department, Finance Department, Community and Economic Development Department, or the Tacoma-Pierce County Health Department charged with the enforcement of a particular portion of this chapter.

K. “Public right-of-way” includes the area of land, the right of possession of which is secured by the City for right-of-way purposes and includes the traveled portion of the public streets and alleys, as well as the border area, which includes, but is not limited to, any sidewalks, driveway approaches, planting strips, traffic circles, parkways, or medians, or that area between the sidewalk and the curb line.

L. “Screening,” for the purposes of this chapter, shall include, but not be limited to, solid wood fencing, chain link fencing with slats, and/or solid landscaping capable of concealing storage from sight by standing individuals at or near the property lines; however, such screening must be at least six feet in height.

M. “Vehicle,” except as otherwise specifically defined herein, shall include, but not be limited to, automobiles, motorcycles, trucks, motorized recreational vehicles, campers, travel trailers, boats on or off trailers, or utility trailers.

N. “Vegetation” shall include, but not be limited to, all grass, weeds, blackberry vines, brush, shrubs, bushes, or trees, either growing or which has died.

(Ord. 28272 Ex. D; passed Dec. 16, 2014: Ord. 27940 Ex. A; passed Nov. 2, 2010: Ord. 27536 § 2; passed Oct. 17, 2006)

8.30.030 Public nuisance defined.

A public nuisance consists of doing an unlawful act, or omitting to perform a duty, or permitting an action or condition to occur or exist which:

A. Unreasonably annoys, injures, or endangers the comfort, repose, health, or safety of others; or

B. Is unreasonably offensive to the senses; or

C. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage, any stream, public park, , square, highway, or public right-of-way, in the City; or

D. Unlawfully interferes with, damages, or pollutes designated habitat areas, critical areas, open spaces, restoration sites, streams, creeks, lakes, wetlands, wetland buffers, or tributaries, and similar areas thereto; or

E. Results in illicit discharges into the municipal storm drainage system as defined in TMC 12.08; or

F. In any way renders other persons insecure in life or the use of property; or

G. Obstructs the free use of property so as to essentially interfere with the comfortable enjoyment of life and property; or

H. Results in an attractive nuisance; or

I. Creates or permits the existence or continuance of any of the specific nuisances identified in this chapter.

(Ord. 27940 Ex. A; passed Nov. 2, 2010: Ord. 27536 § 2; passed Oct. 17, 2006)

8.30.040 Specific public nuisances declared.

The following specific acts, omissions, places, and conditions are declared to be a public nuisances, including, but not limited to, the erecting, maintaining, using, placing, depositing, causing, allowing, leaving, or permitting to be or remain in or upon any private lot, tax parcel, building, structure, or premises, or in or upon any public right-of-way, park, or other public or private place in the City, of any one or more of the following:

A. Excavations or naturally occurring holes, including, but not limited to, privies, vaults, cesspools, sumps, pits, wells, or any other similar conditions, which are not secure and which constitute a concealed danger or other attractive nuisances.

B. The discharge of sewage, human excrement, or other wastes in any location or manner, except through systems approved for the conveyance of such, to approved public or private disposal systems and which are constructed and maintained in accordance with the provisions of TMC 2.06, as now or hereafter amended, and all other adopted laws pertaining to such systems.

C. Filthy, littered, trash-covered, or overgrown premises or public rights-of-way for which a property owner is responsible, including, but not limited to:

1. Animal parts or wastes which are improperly handled, contained, or removed from the premises, including bones, meats, hides, skins, or any part of any dead animal, fish, or fowl.

2. Overgrown, uncultivated, unkempt, or potentially hazardous vegetation of any type, including, but not limited to, shrubs, brush, trees, weeds, blackberry vines, and grasses over one foot in height or length that poses a threat to public health, safety and welfare, including vegetation which may harbor rodents or transient activity. Where erosion control issues, indigenous species, or critical areas as defined in TMC 13.11 are present, an exception or modification may be made to these requirements. Where a single parcel is undeveloped and over one acre in area, elimination of the fire hazard presented by vegetation may be accomplished by removing the vegetation from the area within 20 feet of abutting, improved properties or public rights-of-way.

3. Inappropriate disposal or accumulation of vegetation waste, including, but not limited to, grass clippings, cut brush, cut trees, cut weeds, and/or cut wood, except as contained in a compost pile not to exceed two cubic yards, or orderly stacked fire wood, if cut in lengths of four feet or less.

4. Any poisonous or hazardous material or thing on any real estate, so as to allow access to it by any animal or person.

5. Storing of flammable material on any real estate, including but not limited to old rags, rope, cordage, rubber, boxes, or paper, by properly licensed persons or businesses trading in such articles, unless it is in a building of fireproof construction.

6. Storing outside a completely enclosed building items that constitute a threat to the public health, safety or welfare, including but not limited to the following: scrap rope, rags, batteries, paper, trash, rubber debris, tires, waste, used lumber or salvaged wood, machinery or appliances or parts of such machinery, vehicular component parts, iron, steel, household goods or hardware, medications, medical supplies, or medical devices.

7. All unused, abandoned or discarded refrigerators, ice boxes, large appliances or similar containers which are left in any place exposed or accessible to children, whether such is outside any building or dwelling or within any unoccupied or abandoned building, dwelling or other structure.

8. All places used, maintained, or appearing as dumps, junk yards, or automobile or machinery disassembly yards or buildings, not licensed and/or located in an improper use zone, or which are operating outside of specific conditions set forth for the operation of such businesses.

D. The existence of any screening which is in a falling, decayed, dilapidated, or unsafe condition or any screening which is not maintained in accordance with the provisions of the Tacoma Municipal Code.

E. Any unsightly, abandoned, or deteriorated building or structure, or any building or structure constructed with inappropriate materials or improperly fastened together or anchored against the forces of nature.

F. Any building or structure where construction was commenced and the building or structure was left unfinished or any building or structure that has been constructed or modified without permits. This shall include any unauthorized work or non-compliant work taking place on private property or in the public right-of-way, with or without a permit, or which is otherwise in violation of City ordinance.

G. Animal waste, manure or excreta in sufficient quantity which is not securely protected from flies and the elements and which is likely to become putrid, offensive, and injurious to the public health, such as water quality or which is kept or handled in violation of any City ordinance.

H. The parking or storage of vehicles on single-family residential tax parcels in violation of the parking standards, as set forth in Section 8.30.050 of this chapter. It shall be required that all Land Use codes relative to residential parking also be adhered to.

I. Graffiti as defined in the Graffiti Code, Section 8.120.010.

(Ord. 28613 Ex. B; passed Sept. 24, 2019: Ord. 27940 Ex A; passed Nov. 2, 2010: Ord. 27673 Ex. E; passed Feb. 19, 2008: Ord. 27632 Ex A; passed Jul. 17, 2007: Ord. 27536 § 2; passed Oct. 17, 2006. Formerly 8.30.015)

8.30.045 Cannabis.

A. Relationship with other laws.

Producing, manufacturing, processing, delivering, distributing, possessing, and using cannabis are crimes under federal law and may be crimes under the municipal code and state law. This section is a civil remedy and does not affect any state or federal law governing the production, manufacture, processing, delivery, distribution, possession, researching, or use of cannabis.

B. Definitions.

1. “Cannabis” or “Marijuana” means all parts of the plant Cannabis, commonly known as marijuana, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin.

2. The definitions contained in Chapter 69.50 RCW, Chapter 69.51A RCW, and WAC 314-55 shall be used to define any term in this section not otherwise defined herein.

C. Nuisance defined.

The production, manufacture, processing, delivery, distribution, possession, or use of cannabis for medical purposes for which there is an affirmative defense under state law, or for other purposes as outlined and regulated in accordance with RCW 69.50, may be a nuisance by unreasonably annoying, injuring, or endangering the comfort, repose, health, or safety of others; by being unreasonably offensive to the senses; by being an unlawful act; by resulting in an attractive nuisance; or by otherwise violating the municipal code or state law.

The following specific acts, omissions, places, and conditions are declared to be a public nuisance, including, but not limited to, any one or more of the following:

1. Any place selling, distributing, or providing marijuana to others, except as properly licensed or registered by the Washington State Liquor and Cannabis Board, is a nuisance per se.

2. Any state-licensed processor, producer, or licensed retailer where cannabis is displayed against or adjacent to exterior windows.

3. Any state-licensed processor, producer, retailer, or state registered cooperative where the odor of cannabis can be smelled or detected from the adjacent public right-of-way.

4. A marijuana club is a nuisance per se.

5. Any place where any production, manufacture, processing, delivery, distribution, possession, or use of cannabis occurs for which there is no affirmative defense under state law, or except as expressly authorized by Chapter 69.50 RCW.

6. Any place other than a private residence where cannabis is smoked or ingested.

7. Any state-licensed cannabis retailer, processor, or producer where any person under the age of 21 years is present or is permitted to be present, unless permitted by state law.

8. Any state-licensed retailers selling products or services other than useable marijuana, marijuana-infused products, or paraphernalia intended for the storage or use of useable marijuana or marijuana-infused products.

9. Any unlicensed marijuana retailer, producer, researcher, or processer operating within City limits.

10. Any state-licensed producer whose production activities are not within a fully enclosed, secure facility or greenhouse with rigid walls, a roof and doors, or whose outdoor production activities are not enclosed by a sight obscured wall or fence at least eight feet high.

(Ord. 28361 Ex. A; passed May 24, 2016: Ord. 28183 Ex. A; passed Nov. 5, 2013: Ord. 28083 Ex. A; passed Jul. 31, 2012)

8.30.050 Parking of vehicles on residential property.

The primary function of yards on single-family residential tax parcels is to provide access to light and air and to provide circulation, recreation, and landscaping around the primary single-family dwelling building, which are beneficial to the general health and welfare of the community. This section establishes standards by which parking vehicles on single-family residential tax parcels are allowable.

A. Vehicles parked in the side or rear yard. Vehicles parked in the side or rear yard area of single-family residential tax parcels shall be limited to those tax parcels which have legal access from the public right-of-way and shall be limited to four vehicles or to no more than 60 percent of the combined side and rear yard area, whichever is less.

B. Vehicles parked in the front yard of single-family residential tax parcels. Vehicles parked in the front yard of single-family residential tax parcels, although discouraged where alley access is available, shall be limited to those tax parcels which have legal access from the public right-of-way. Parking of vehicles in front yards shall be on a properly prepared and contained all-weather surface, including, but not limited to, concrete, asphalt, gravel, approved permeable paving materials, or other material approved in accordance with TMC 2.02. The all-weather surface shall be limited to no more than 60 percent of the front yard area. Parking in front yard areas shall be limited to up to four vehicles or the number of vehicles which can be parked on the all-weather surfacing, whichever is less. Parking of stored or apparently inoperable vehicles in front yards is prohibited.

C. Number of vehicles parked in the open. The total number of vehicles parked, stored, or which are defined as “apparently inoperable vehicles,” in the open on a single-family residential tax parcel shall be no more than six.

D. Exceptions. Upon written application to the Public Official, which must be lodged within ten days of receiving a Notice of Violation and Abatement, an exception to the limitation on the number of allowed vehicles may be granted by the Public Official. Circumstances to be considered by the Public Official include whether:

1. Additional vehicles may be allowed in a particular yard if vehicle access to other yards is unavailable; or

2. The number of individuals with valid driver’s licenses within the household exceeds four; or

3. Any other mitigating circumstances, as determined by the Public Official, provided, however, that such exceptions are subject to review upon receipt of additional complaints.

E. Apparently inoperable vehicles stored on single-family residential tax parcels shall be limited to the rear yard area. Screening shall be provided between the apparently inoperable vehicles and adjacent properties or public rights-of-way. Screening shall be subject to the provisions of TMC 9.17.010.A.8 and TMC 9.18.050, and other applicable codes. If it is determined by the Public Official that the apparently inoperable vehicle meets the definition, as defined herein, then the vehicle shall be subject to the provisions of that chapter.

F. All private vehicles which are fully enclosed within a legally constructed garage or other structure are not considered as part of the allotted number of vehicles for purposes of this section.

G. Commercial vehicles are defined in TMC 11.05 and shall be subject to the provisions contained therein.

(Ord. 27940 Ex A; passed Nov. 2, 2010: Ord. 27536 § 2; passed Oct. 17, 2006)

8.30.055 Abandoned property in the right-of-way.

A. All property left in the public right-of-way, including, but not limited to, any personal and household items, furniture, appliances, machinery, equipment, building materials, or other items, shall be deemed abandoned and shall constitute a violation of this chapter and is hereby declared a public nuisance. All property left on the public right-of-way as a result of an eviction or a forcible entry and detainer or unlawful detainer action shall be deemed abandoned and is hereby declared a public nuisance.

B. The abutting property owner shall not allow any abandoned property to remain on their property, including that property located in the public right-of-way. Any items which remain on the public right-of-way for a period of 48 hours shall be deemed abandoned and constitute a public nuisance subject to removal from the real estate by the City with or without notice.

C. It shall not be a defense to this chapter that the City has been contacted for a bulk waste pickup if the items were placed on the public right-of-way more than 24 hours prior to the pickup date assigned by the City.

D. The costs of abatement may be assessed against the abutting real estate from which the nuisance was abated for collection in the manner provided in this chapter if notice was served pursuant to TMC 8.30.080.B.

(Ord. 28108 Ex. H; passed Dec. 4, 2012: Ord. 27940 Ex A; passed Nov. 2, 2010)

8.30.060 Penalty for violation.

Every person who violates any provision of this chapter has committed a civil violation and shall be subject to the provisions herein. The owners of all residential dwellings, commercial establishments, and/or real estate upon which a violation of this article is found shall be jointly and severally responsible for compliance with this article and jointly and severally liable for any damages or costs incurred and awarded under this article.

(Ord. 27940 Ex A; passed Nov. 2, 2010: Ord. 27536 § 2; passed Oct. 17, 2006)

8.30.070 Emergency actions.

If the Public Official determines that a nuisance exists which is a severe and imminent threat to public health, safety, or welfare, and constitutes an emergency requiring immediate abatement, the City may perform any emergency action necessary to abate the nuisance with or without prior notice.

(Ord. 27940 Ex A; passed Nov. 2, 2010: Ord. 27536 § 2; passed Oct. 17, 2006)

8.30.080 Notice of Violation and Abatement.

A. A Public Official, if he or she has a reasonable belief that a public nuisance exists in violation of this chapter, may issue a Notice of Violation and Abatement to the Owner of the property. Said Notice of Violation and Abatement shall contain the following:

1. The street address or a description of the building, structure, premises, or land, in terms reasonably sufficient to identify its location;

2. A description of the violation and a reference to the provisions of the Tacoma Municipal Code which have been violated;

3. A description of the action required to abate the public nuisance which may include corrections, repairs, demolition, removal, or any other appropriate action;

4. A statement that the required action must be taken within 18 calendar days from the date of the Notice of Violation and Abatement after which the City may abate the public nuisance in accordance with the provisions of this chapter;

5. A statement that the owner to whom a Notice of Violation and Abatement is directed may request a hearing by the Hearing Examiner. Such notice must be in writing and must be received by the City Clerk, no later than 10 calendar days after the Notice of Violation and Abatement has been issued;

6. A statement that if the owner to whom the Notice of Violation and Abatement is issued fails to submit a Notice of Appeal within 10 calendar days of issuance or fails to voluntarily abate the nuisance within 18 calendar days of issuance, the City may abate the nuisance and may assess all costs of abatement against the Owner of the property.

7. A statement that the costs and expenses of abatement incurred by the City may be assessed against the owner named in the Notice of Violation and Abatement and further that failure to pay said costs may result in a lien against the property.

8. The appropriate department and/or division investigating the case and the contact person.

B. The Notice of Violation and Abatement shall be served by any one or any combination of the following methods:

1. By first class mail to the address of the Owner as indicated in the records of the Pierce County Assessor; or

2. By posting the Notice of Violation and Abatement in a prominent location on the premises in a conspicuous manner which is reasonably likely to be discovered; or

3. By personal service upon the Owner of the property.

(Ord. 28272 Ex. D; passed Dec. 16, 2014: Ord. 27940 Ex A; passed Nov. 2, 2010: Ord. 27536 § 2; passed Oct. 17, 2006)

8.30.090 Alternative Process – Notice of Violation, civil penalty, and abatement.

A. Any owner who violates any of the provisions of this chapter, in the discretion of the Public Official, may be assessed monetary penalties before the City initiates the abatement process referenced in this chapter. If the Public Official determines that this alternative process will more likely result in voluntary compliance, the Public Official may send a Notice of Violation, followed by civil penalties and abatement if appropriate.

B. The Notice of Violation shall contain the following:

1. The street address or a description of the building, structure, premises, or land, in terms reasonably sufficient to identify its location;

2. A description of the violation and a reference to the provisions of the Tacoma Municipal Code which have been violated;

3. A description of the action required to abate the public nuisance which may include corrections, repairs, demolition, removal, or any other appropriate action;

4. A statement that the required action must be taken within 18 calendar days from the date of the Notice of Violation after which the City may impose a civil penalty in accordance with the provisions of this chapter;

5. The abatement procedure that may be implemented if civil penalties reach more than $1,000;

6. The appropriate department and/or division investigating the case and the contact person;

7. A statement that the owner to whom a Notice of Violation is directed may request a hearing by the Hearing Examiner. Such notice must be in writing and must be received by the City Clerk, no later than 10 calendar days after the Notice of Violation and Abatement has been issued;

8. A statement that the costs and expenses of abatement incurred by the City may be assessed against the owner named in the Notice of Violation and further that failure to pay said costs may result in a lien against the property.

C. The Notice of Violation will be sent in the same manner as outlined in TMC 8.30.080.B;

D. Civil penalty. At the end of the specified timeframe, the site will be reinspected to see if the condition has been corrected. If the condition has been corrected, the case will be closed. If the condition has not been corrected, a civil penalty in the amount of $250 may be sent.

E. Any person who violates any of the provisions of this chapter, in the discretion of the Public Official, may be assessed monetary penalties as an alternative to the abatement process referenced in this chapter, upon a determination that a public nuisance exists.

F. The civil penalty shall be served in accordance with TMC 8.30.080.B.

G. The civil penalty should contain the following:

1. A specified timeframe for correcting the violation or submitting an acceptable work schedule;

2. The address of the site;

3. The citation penalties that may be imposed in the event that the condition is not corrected within the timeframe indicated;

4. The abatement procedure that may be implemented if civil penalties in excess of $1,000 are assessed in trying to correct the condition; and

5. The appropriate department and/or division investigating the case and the contact person.

H. At the end of the specified timeframe, the site will be reinspected to see if the condition has been corrected. If the condition has been corrected, the case will be closed. If the condition has not been corrected, a second and/or subsequent civil penalty in the amount of $250 shall be sent or delivered in accordance with TMC 8.30.080.B.

I. A person to whom a civil penalty is directed may request a hearing by the Hearing Examiner. Such notice must be in writing and must be received by the City Clerk no later than 10 calendar days after the civil penalty has been issued;

J. Civil penalties will continue to accumulate until the condition is corrected or, if the total assessed penalty exceeds $1,000, an abatement proceeding may be initiated. At such time that the assessed penalty exceeds $1,000, a Certificate of Complaint may be filed with the Pierce County Auditor to be attached to the title of the property. A copy of the Certificate of Complaint shall be sent to the owner and parties of interest if determined.

K. Each day that a property is not in compliance with the provisions of this chapter may constitute a separate violation of this chapter.

(Ord. 28272 Ex. D; passed Dec. 16, 2014: Ord. 27940 Ex A; passed Nov. 2, 2010: Ord. 27536 § 2; passed Oct. 17, 2006)

8.30.100 Hearing by the Hearing Examiner.

A. A person to whom a Notice of Violation and Abatement or civil penalty has been issued, or any other person with a legal or equitable interest in the property, may request a hearing by filing the request with the City Clerk no later than 10 calendar days after said Notice of Violation and Abatement or civil penalty is issued. Each request for hearing shall contain the address and telephone number of the person requesting the hearing and the name and/or the name and address of any person who will be present to represent him or her. Each request for hearing shall set out the basis for the appeal.

B. If a hearing is requested, the Hearing Examiner, will conduct the hearing required by this chapter no more than 18 calendar days after the Public Official issues the Notice of Hearing, unless the Hearing Examiner or Public Official finds good cause to continue the matter to another date.

C. If a request for a hearing is received, the Public Official shall mail a notice giving the time, location, and date of the hearing, by first class mail to whom the Notice of Violation and Abatement or civil penalty was directed.

D. The Hearing Examiner shall conduct a hearing. The hearing shall be conducted in accordance with 1.23 TMC and the Hearing Examiner's rules. The City shall have the burden of proof to establish, by a preponderance of the evidence, that a violation of this chapter has occurred and that the required corrective action is reasonable, or that the civil penalty was assessed for noncompliance with this chapter.

E. The Hearing Examiner shall determine whether the City has established, by a preponderance of the evidence, that a violation of this chapter has occurred and that the required corrective action is reasonable, or that the civil penalty was reasonable, and shall affirm, modify, or vacate the Public Official's decisions regarding the alleged violation, the required corrective action, and/or civil penalty with or without written conditions.

F. The Hearing Examiner shall issue a final Order which contains the following information:

1. The decision regarding the alleged violation including findings of facts and conclusion based thereon;

2. The required corrective action, if any;

3. The date by which the correction must be completed;

4. The date after which the City may proceed with abatement, as outlined in TMC 8.30.110, if the required corrective action is not completed;

5. A statement that the civil penalty is affirmed, modified, or waived;

6. A statement of any appeal remedies;

7. A notice that if the City proceeds with abatement, a lien for the costs of said abatement may be assessed against the property if the costs of abatement are not paid in accordance with the provisions of this chapter.

G. If the person to whom the Notice of Violation and Abatement or civil penalty was directed fails to appear or submit something in writing at the scheduled hearing, the Hearing Examiner will enter an Order finding that the violation has occurred, or the civil penalty was reasonable, and that abatement may proceed.

H. The Order shall be served on the person by one of the methods stated in TMC 8.30.080.B.

I. A final Order of the Hearing Examiner may be appealed to a court of competent jurisdiction no more than twenty-one (21) calendar days of its issuance.

(Ord. 28272 Ex. D; passed Dec. 16, 2014: Ord. 27940 Ex. A; passed Nov. 9, 2010: Ord. 27876 Ex. A; passed Feb. 23, 2010: Ord. 27536 § 2; passed Oct. 17, 2006)

8.30.110 Abatement process.

A. Using any lawful means, the City may enter unsecured property and may remove or correct the condition which is subject to abatement. If the owner of the premises does not consent to entry, the City may seek such judicial process in the Pierce County Superior Court, as it deems necessary, to effect the removal or correction of such condition.

B. Where the City has chosen to abate the condition and the condition subject to abatement consists of or includes solid waste, as defined in Chapter 12.09 of the Tacoma Municipal Code, the collection, removal, and disposal of the solid waste shall be performed by the City, and the actual cost of such collection, removal, and disposal shall be charged to the Owner.

(Ord. 28108 Ex. H; passed Dec. 4, 2012: Ord. 27940 Ex. A; passed Nov. 9, 2010: Ord. 27536 § 2; passed Oct. 17, 2006)

8.30.120 Recovery of costs and expenses.

A. The costs, including incidental expenses, for correcting the violation may be billed to the owner to which a Notice of Violation and Abatement has been directed, and shall become due and payable to the City of Tacoma no later than 30 calendar days from the date of the invoice. The term "incidental expense" includes, but is not limited to, personnel costs, both direct and indirect, including attorney's fees; costs incurred in documenting the violation; hauling, storage, and disposal expenses; filing fees; and actual expenses and costs of the City in preparing notices, specifications, and contracts, and in accomplishing and/or contracting and inspecting the work; the costs of any required, printing or mailing; and any and all costs of collection.

B. If the person responsible for the costs of abatement fails to remit in a timely manner, the City may file a lien against the real property for the cost of any abatement proceedings under this chapter, except no lien shall attach to the real property if the Owner was found not responsible in the Order issued by the Hearing Examiner. A notice of the City's lien specifying the expenses incurred in abating the nuisance and giving the legal description of the premises sought to be charged shall be filed

with the county auditor within 90 days from the date of the abatement. Such lien may at any time thereafter be collected in the manner provided for foreclosure of mechanic's liens under the laws of the State of Washington.

C. In addition to a lien, the debt shall be collectible in the same manner as any other civil debt owing to the City, and the City may pursue collection of the costs of any abatement proceedings under this chapter by any other lawful means, including, but not limited to, referral to a collection agency.

D. Any unpaid amounts for the cost of collection, removal, and disposal of solid waste by the City, under TMC 8.30.110. B. may be collected in any lawful manner authorized for the collection of utility bills.

(Ord. 28272 Ex. D; passed Dec. 16, 2014: Ord. 28108 Ex. H; passed Dec. 4, 2012: Ord. 27940 Ex. A; passed Nov. 9, 2010: Ord. 27876 Ex. A; passed Feb. 23, 2010: Ord. 27536 § 2; passed Oct. 17, 2006)

8.30.130 Hearing regarding cost of abatement.

A. Any person sent an invoice for the costs due for the abatement of a nuisance may request a hearing to determine if the costs should be assessed, reduced, or waived.

B. A request for a hearing shall be made in writing and filed with the City Clerk no later than ten (10) calendar days from the date of the invoice.

C. Each request for hearing shall contain the address and telephone number of the person requesting the hearing and the name and/or the name and address of any person who will be present to represent him or her.

D. Each request for hearing shall set out the basis for the appeal.

E. Failure to request a hearing within ten (10) calendar days from the date of the invoice shall be a waiver of the right to contest the validity of the costs incurred in abatement of the violation.

F. If a hearing is requested, the Hearing Examiner will conduct the hearing no more than 18 calendar days after the Public Official issues the Notice of Hearing, unless the Hearing Examiner or Public Official finds good cause to continue the matter to another date.

G. If a hearing is requested, the Public Official shall mail a notice giving the time, location, and date of the hearing, by first class mail, to the person or persons to whom the invoice for the costs of abatement was directed.

H. The Hearing Examiner shall conduct a hearing. The hearing shall be conducted in accordance with 1.23 TMC and the Hearing Examiner's rules. The City shall have the burden of proof to establish, by a preponderance of the evidence, that the abatement costs were reasonable.

I. The Hearing Examiner shall issue an order and determine whether the costs of abatement were reasonable and necessary. The Hearing Examiner may uphold the amount billed for the costs of abatement, reduce the amount billed, or waive the costs.

J. The order of the Hearing Examiner is the final administrative decision. Such decision may be appealed in accordance with TMC 8.30.100.I.

(Ord. 28272 Ex. D; passed Dec. 16, 2014: Ord. 27940 Ex. A; passed Nov. 9, 2010: Ord. 27876 Ex. A; passed Feb. 23, 2010: Ord. 27536 § 2; passed Oct. 17, 2006)

8.30.140 Additional relief.

Nothing in this chapter shall preclude the City from seeking any other relief, as authorized in other provisions of the Tacoma Municipal Code. Enforcement of this chapter is supplemental to all other laws adopted by the City.

(Ord. 27940 Ex. A; passed Nov. 9, 2010: Ord. 27876 Ex. A; passed Feb. 23, 2010: Ord. 27536 § 2; passed Oct. 17, 2006)

8.30.150 Repeat offenders.

A repeat offender is defined as a property owner or tax parcel which has a confirmed compliance history, including any identical or similar violations or Notice of Violation and Abatement at the same site or on a different tax parcel, but caused by the same Owner two times within a 12-month period.

If an Owner or tax parcel is found to be a repeat offender, he or she may be subject to an inspection fee equivalent to a reinspection fee as defined in TMC 2.09. All appeals with regards to the reinspection fee shall be as outlined in the appeal process for the Notice of Violation and Abatement or civil penalties and shall be filed with the City Clerk's office in the same manner.

(Ord. 27940 Ex. A; passed Nov. 9, 2010: Ord. 27536 § 2; passed Oct. 17, 2006)

8.30.160 Severability.

If any provision or section of this chapter shall be held to be void or unconstitutional, all other parts, provisions, and sections of this chapter not expressly so held to be void or unconstitutional shall continue in full force and effect.

(Ord. 27536 § 2; passed Oct. 17, 2006)

CHAPTER 8.30A[1]
CHRONIC PUBLIC NUISANCE

Sections:

8.30A.010 Scope and purpose.
8.30A.020 Definitions.
8.30A.030 Declaration of chronic nuisance property and procedures.
8.30A.040 Correction agreement.
8.30A.050 Enforcement.
8.30A.060 Additional remedies.
8.30A.070 Appeals to the Hearing Examiner.
8.30A.080 Successive owners liable.
8.30A.090 Joint and several liability.
8.30A.100 Severability.

8.30A.010 Scope and purpose.

Chronic nuisance properties present grave health, safety, and welfare concerns and have a tremendous negative impact upon the quality of life, safety, and health of their neighborhoods and on those persons that live, work, visit, engage in commerce, or otherwise seek to enjoy property rights therein. Such properties are a financial burden to the City and the necessary services rendered to and at such properties often result in a disproportionate consumption of City resources. Therefore, any chronic nuisance property located in the City is in violation of this chapter and subject to its remedies. This chapter is enacted to remedy nuisance activities that repeatedly occur or exist at chronic nuisance properties by providing a process for lawfully reducing or eliminating said activities. While the City seeks to promote cooperative and voluntary compliance, the remedies provided herein are not exclusive and the City may pursue any available option in law or equity to remedy a chronic nuisance property.

The purpose of this chapter is to protect the health, safety, and welfare of the general public by:

A. Establishing standards and recommendations for reducing criminal activity and improving building conditions;

B. Working in cooperation with property owners to accomplish these goals; and

C. Establishing a framework of judicial and administrative processes against which the City can seek to alleviate chronic nuisance conditions.

(Ord. 28530 Ex. A; passed Sept. 25, 2018)

8.30A.020 Definitions.

A. "Abate" means to repair, replace, remove, destroy, or otherwise remedy a condition which constitutes a violation of this chapter by such means and in such a manner, and to such an extent, as the applicable City department director or designee determines is necessary in the interest of the general health, safety, and welfare of the community.

B. "Chronic nuisance property" means a property:

1. on which three or more nuisance activities as defined herein exist or have occurred during any 60-day period; or

2. on which four or more nuisance activities as defined herein exist or have occurred during any six-month period; or

3. on which six or more nuisance activities as defined herein exist or have occurred during any 12-month period; or

4. that, upon request for execution of a search warrant, has been the subject of a determination by a court two or more times within a 12-month period that probable cause exists that illegal possession, manufacture, or delivery of a controlled substance or related offenses, as defined in Revised Code of Washington ("RCW") 69.50, has occurred on the property; or

5. that the City can demonstrate by a preponderance of the evidence is the cause of nuisance activities that are occurring on other property adjacent to or in proximity to the property itself, where such nuisance activities occurring on such other property meet the definition of 1, 2, 3, or 4 above.

[1] Repealed and reenacted per Ord. 28530; passed Sept. 25, 2018. Ordinances referenced in repealed section include: Ord. 27904; passed Jul. 20, 2010: Ord. 27466; passed Jan. 17, 2006: Ord. 27153; passed Oct. 21, 2003).

C. “Correction agreement” means a contract between the City and the owner and, if different than the owner, the person in control of the chronic nuisance property, in which such person(s) agrees to promptly take all reasonable actions, which shall be set forth in the agreement, to abate the nuisance activities within a specified time and according to specified conditions.

D. “Director” means any City of Tacoma Department Director, or designee.

E. “Landlord” means the owner, lessor, or sublessor of the dwelling unit or the property of which it is a part, and, in addition, means any person designated as a representative of the landlord.

F. “Nuisance activity” includes a violation for any of the following:

1. A “most serious offense,” as defined in RCW 9.94A;

2. “Alcoholic beverage control violations,” as defined in RCW 66.44;

3. “Drive-by shooting,” as defined in RCW 9A.36.045;

4. “Drug–related activity,” including unlawful manufacture, delivery, sale, storage, possession, or giving away of any controlled substance, as defined in RCW 69.50; illegal drugs, as defined in RCW 69.41; precursor drugs, as defined in RCW 69.43; or imitation controlled substances, as defined in RCW 69.52;

5 “Gang-related activity,” as defined in RCW 59.18.030;

6. “Reckless endangerment,” as defined in RCW 9A.36.050;

7. Animal Control, Tacoma Municipal Code (“TMC”) Title 17;

8. Assault in the Fourth Degree, TMC 8.76;

9. Curfew Hours for Minors, TMC 8.109;

10. Disorderly Conduct, TMC 8.12;

11. Drug Paraphernalia, TMC 8.29;

12. Drug-related Loitering, TMC 8.72;

13. Fire Prevention Code, TMC 3.02;

14. Firearms, TMC 8.67;

15. Fireworks, TMC 3.12;

16. Gambling, TMC 8.100;

17. Graffiti, TMC 8.120;

18. Harassment, TMC 8.80;

19. Indecent Acts, TMC 8.32;

20. Minimum Building and Structures Code, TMC 2.01;

21. Narcotics, TMC 8.28;

22. Noise Enforcement, TMC 8.122;

23. Obstructing Pedestrians or Traffic, TMC 8.13;

24. Prostitution, TMC 8.46;

25. Public Nuisances, TMC 8.30;

26. Regulation of Purchase/Sale of Ephedrine, TMC 8.140;

27. Stay Out of Areas of Prostitution (“SOAP”) Orders, TMC 8.170;

28. Stay Out of Drug Areas (“SODA”) Orders, TMC 8.160;

29. Solid Waste, Recycling and Hazardous Waste, TMC 12.09;

30. Tax and License Code, TMC Title 6;

31. Unlawful Assembly, TMC 8.60;

32. Urinating in Public, TMC 8.33;

33. Weapons, TMC 8.66;

34. Any similar violation of the RCW or the United States Code;

35. Any attempt to commit and/or conspiracy to commit any of the above activities, behaviors, or conduct shall also be considered a nuisance activity.

G. "Owner" means any person having any interest in the real estate in question as indicated in the records of the office of the Pierce County Assessor, or whose ownership interest is otherwise established.

H. "Person" means natural person, joint venture, partnership, association, club, company, corporation, business trust, or organization or the manager, lessee, agent, officer, or employee of any of them.

I. "Person in control" means any person in actual or constructive possession of a property, including, but not limited to, an owner, occupant, agent, business owner, business manager, or property manager of a property under the person's control.

J. "Property" means any building, lot, tax parcel, dwelling, rental unit, real estate, or land, or portion thereof, including property used as residential or commercial property.

K. "Service by mail" shall be deemed complete upon the third day following the day upon which the notice of violation is 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 first day other than a Saturday, Sunday, or legal holiday, following the third day.

L. "Violation" means a criminal conviction, civil judgment, issuance of a civil penalty, issuance of a notice of violation, or any act or conduct which the City can establish by a preponderance of the evidence exists or has occurred regardless of whether such act resulted in a criminal charge or civil penalty. Copies of police incident reports, reports of other City departments documenting nuisance activities, evidence of a property's general reputation, and the reputation of persons residing in or frequenting the property shall be admissible in proceedings under this chapter. A civil infraction or criminal charge which is deferred or subject to pretrial diversion, or a verdict of not guilty on a criminal charge, may be counted as a violation if the violation is proved by a preponderance of the evidence; provided, however, that a finding of not committed on a civil infraction precludes use of that act as a basis for a violation under this chapter.

(Ord. 28659 Ex. A; passed Feb. 25, 2020: Ord. 28530 Ex. A; passed Sept. 25, 2018)

8.30A.030 Declaration of chronic nuisance property and procedures.

A. If the Director determines a property is a chronic nuisance property, the City shall send a notice of violation and proposed correction agreement to the owner of the property and to the person in control of the property, if different. The notice of violation and proposed correction agreement shall be sent by first-class mail or personally served, and a copy shall be sent by certified mail. The City may also elect to post an additional copy of the notice of violation and proposed correction agreement in a conspicuous place on or at the property.

B. The notice of violation shall include the following:

1. The street address or a legal description sufficient for identification of the property;

2. A statement that the property has been determined to be a chronic nuisance property and a concise description of the chronic nuisance activities that exist or that have occurred on the property;

3. A copy of the proposed correction agreement;

4. A requirement that the owner of the property or person in control of the property, if different, shall respond to the Director within ten calendar days of the date of service of the notice of violation and meet at the designated time, unless otherwise agreed to by the City, to discuss the nuisance activities and the proposed correction agreement in order to abate the chronic nuisance; and

5. A notice that if the owner of the property or person in control of the property, if different, does not respond to the Director as required by this chapter or does not voluntarily correct the chronic nuisance, the City may initiate legal action to abate the chronic nuisance property.

(Ord. 28530 Ex. A; passed Sept. 25, 2018)

8.30A.040 Correction agreement.

A. When an owner of a chronic nuisance property or person in control thereof, if different, responds to a notice of violation as required by this chapter and agrees to abate the chronic nuisance activity, a correction agreement shall be entered into wherein the owner or person in control, if different, agrees to promptly take all reasonable actions, as set forth in the correction

agreement, to abate the nuisance activities within specific time frames and according to specified conditions. The agreement shall be signed by the owner and the person in control, if different.

B. The correction agreement shall include the following:

1. The name and address of the owner and/or person in control of the property;

2. The street address or a description sufficient for identification of the property, building, structure, or land upon or within which the nuisance is occurring;

3. A concise description of the chronic nuisance activities existing or which have occurred;

4. The necessary corrective action to be taken, and a date or time by which correction must be completed;

5. An agreement by the person in charge that the City may inspect the property, as may be necessary, to determine compliance with the correction agreement;

6. An agreement by the owner and person in control of the property, if different, to promptly take all acts and pursue all remedies requested by the Director.

7. An agreement for a compliance review period to assure the property remains in compliance for a certain period of time after the actions in the correction agreement have been completed.

(Ord. 28530 Ex. A; passed Sept. 25, 2018)

8.30A.050 Enforcement.

A. Upon the failure of an owner or person in control, if different, to correct the chronic nuisance violations in accordance with the notice of violation or the correction agreement, the City may initiate an action in a court of competent jurisdiction to abate a chronic nuisance property, or may seek alternative remedies under local and state law, including, but not limited to, a receivership pursuant to RCW 7.60, or condemnation of blighted property proceedings as authorized under RCW 35.80A.

B. In an action by the City before a court of competent jurisdiction to abate the chronic nuisance property in accordance with this chapter, the City shall have the initial burden of proof to show by a preponderance of the evidence that the property is a chronic nuisance property and is in violation, as defined herein.

C. Once the court determines the property to be a chronic nuisance property under this chapter, the court may order any relief deemed appropriate to abate the chronic nuisance activity consistent with RCW 7.48, including issuing a warrant of abatement and assessing the costs of abatement against the owner or the property, consistent with local and state law.

D. Where a Director has sent a notice of violation and correction agreement to the owner or person in control of a chronic nuisance property, if different, the Director, or designee, shall review the status of that property within 30 days of sending such notice of violation and correction agreement to determine whether additional enforcement actions should be taken, or if the matter as to that property has been successfully resolved.

(Ord. 28530 Ex. A; passed Sept. 25, 2018)

8.30A.060 Additional remedies.

A. At any time after the City initiates a chronic nuisance action, the City may record a Certificate of Complaint with the Pierce County Auditor, to be attached to the title of the property. A copy of the Certificate of Complaint shall be sent to the property owner.

B. If an owner or person in the control of the property, if different, fails to comply with this section, the business license may be suspended until compliance with this chapter is achieved. Revocation or suspension of a business license may be appealed as provided in TMC 6B.10.140.

C. Any violation of this chapter is a gross misdemeanor and may be punished by a fine up to $5,000 and up to 364 days in jail, or both.

D. The remedies of this chapter are not exclusive and do not affect any other enforcement actions taken by the City under another section of the TMC or state law, or enforcement actions taken by a different jurisdiction.

(Ord. 28530 Ex. A; passed Sept. 25, 2018)

8.30A.070 Appeals to the Hearing Examiner.

A. A person to whom a notice of violation has been issued may request a hearing before the Hearing Examiner to appeal the Director's determination of the property as a chronic nuisance property within ten calendar days of the issuance of the notice

of violation. The request for hearing shall be in writing and shall be filed with the Office of the Hearing Examiner, with a copy served on the Director who issued the original notice of violation.

B. The appeal hearing shall be conducted in accordance with TMC 1.23 and the Hearing Examiner's Rules of Procedure for Hearings. The City shall have the burden of proof to establish by a preponderance of the evidence that the property is a chronic nuisance property and that the proposed corrective action is reasonable.

C. The Hearing Examiner shall determine whether the City has established by a preponderance of the evidence that the property is a chronic nuisance property and that the proposed corrective action is reasonable. The Hearing Examiner shall affirm, modify, or vacate the Director's decision regarding the alleged violation and the proposed correction agreement.

(Ord. 28530 Ex. A; passed Sept. 25, 2018)

8.30A.080 Successive owners liable.

Every successive owner of property, or person in control, who neglects to abate a continuing chronic nuisance upon, or in the use of, such property caused by a former owner, is liable therefor in the same manner as the one who first created it.

(Ord. 28530 Ex. A; passed Sept. 25, 2018)

8.30A.090 Joint and several liability.

Any owner or person in control of a chronic nuisance property shall be in violation of this chapter and subject to its remedies. The person in control and the owner are jointly liable for any chronic nuisance. Both the owner and person in control are subject to the provisions and remedies of this chapter. Application of this chapter against one party does not preclude application to another party who is an owner or person in control of a chronic nuisance property.

(Ord. 28530 Ex. A; passed Sept. 25, 2018)

8.30A.100 Severability.

If any portion of this ordinance, or its application to any person or circumstances, is held invalid, the validity of the ordinance as a whole, or any other portion thereof, or the application of the provision to other persons or circumstances is not affected.

(Ord. 28530 Ex. A; passed Sept. 25, 2018)

CHAPTER 8.31
REPEALED

VEGETATION AND LITTER

Repealed by Ord. 27536

(Ord. 27536 § 3, passed Oct. 17, 2006: Ord. 24533 § 2; passed Jan. 2, 1990: Ord. 24112 § 1-2; passed Jun. 7, 1988: Ord. 23875 § 1-4; passed Jun. 9, 1987; Ord. 21495; passed Oct. 3, 1978)

CHAPTER 8.32
INDECENT ACTS

Sections:

8.32.010 Definitions.
8.32.020 Indecent conduct.
8.32.030 Place where alcoholic beverages sold.
8.32.040 Exemptions.
8.32.050 Violation – Penalty.

8.32.010 Definitions.

A. As used in this chapter, an "indecent act" is:

1. An exposure or display of one's genitals, pubic hair, anus, vulva, or female breasts; or

2. The touching, caressing, or fondling of the genitals, buttocks, or female breasts; or

3. Sexual intercourse which:

a. Has its ordinary meaning and occurs upon any penetration, however slight; and also means

b. Any penetration of the vagina or anus, however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes; and also means

c. Any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another, whether such persons are of the same or opposite sex; or

4. Masturbation.

B. "Sexual contact" means any touching of the sexual or intimate parts of a person done for the purpose of gratifying sexual desire of either party.

C. "Obscene" means any matter which:

1. The average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest; and

2. Explicitly depicts or describes patently offensive representations or descriptions of:

a. Ultimate sexual acts, normal or perverted, actual or simulated; or

b. Masturbation, fellatio, cunnilingus, bestiality, excretory functions, or lewd exhibition of the genitals or genital area; or

c. Violent or destructive sexual acts, including, but not limited to, human or animal mutilation, dismemberment, rape or torture; and

3. Which, when considered as a whole, and in the context in which it is used, lacks serious literary, artistic, political, or scientific value.

D. "Lewd" shall have and include all those meanings which are assigned to it under the common law.

E. "Public place" means an area generally visible to public view, and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not) and buildings open to the general public, including those which serve food or drink or provide entertainment, and the doorways and entrances to those buildings or dwellings and the grounds enclosing them.

(Ord. 24870 § 1; passed Mar. 26, 1991: Ord. 22600 § 29; passed Dec. 29, 1981)

8.32.020 Indecent conduct.

A person is guilty of indecent conduct if he or she intentionally performs any indecent act in a public place or at a place or under circumstances where such act could be observed by any member of the public.

(Ord. 24870 § 1; passed Mar. 26, 1991: Ord. 22600 § 29; passed Dec. 29, 1981)

8.32.030 Place where alcoholic beverages sold.

The owner, manager, or operator of premises open to the public, wherein alcoholic beverages are sold, served, or consumed, is guilty of permitting indecent conduct if he or she intentionally permits or causes any indecent act on said premises.

(Ord. 24870 § 1; passed Mar. 26, 1991: Ord. 22600 § 29; passed Dec. 29, 1981)

8.32.040 Exemptions.

The provisions of this chapter shall not apply to the following:

A. Plays, operas, musicals, or other dramatic works which are not obscene;

B. Comedic, vocal, instrumental, or political performances which are not obscene;

C. Classes, seminars and lectures held for serious scientific or educational purposes;

D. Exhibitions or dances which are not obscene; or

E. Adult entertainment establishments operating pursuant to Chapter 6.36 TMC.

(Ord. 26159 § 2; passed Dec. 9, 1997: Ord. 24870 § 1; passed Mar. 26, 1991: Ord. 22600 § 29; passed Dec. 29, 1981)

8.32.050 Violation – Penalty.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding $500.00, or by imprisonment in the Pierce County Jail for a period not exceeding six months, or by both such fine and imprisonment.

(Ord. 24870 § 1; passed Mar. 26, 1991: Ord. 22600 § 29; passed Dec. 29, 1981)

CHAPTER 8.33
URINATING IN PUBLIC

Sections:

8.33.010 Urinating in public.
8.33.020 Violation – Penalty.

8.33.010 Urinating in public.

A person is guilty of urinating in public if he intentionally urinates or defecates in a public place, other than a washroom or toilet room, under circumstances where such act could be observed by any member of the public. "Public place," as used in this section, is defined in Section 8.32.010 of this title.

(Ord. 22600 § 30; passed Dec. 29, 1981)

8.33.020 Violation – Penalty.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding $500.00, or by imprisonment in the Pierce County Jail for a period not exceeding six months, or by both such fine and imprisonment.

(Ord. 22600 § 30; passed Dec. 29, 1981)

CHAPTER 8.34
PLACES OF AMUSEMENT – ALARM AND WARNING SYSTEMS

Sections:

8.34.010 Locking entrance unlawful.
8.34.020 Alarm system at entrance unlawful.
8.34.030 Warning of approach of police – Lookouts.
8.34.040 Warning that police are approaching – Unlawful.
8.34.050 Presence in place where warning given.
8.34.060 Locking rooms.
8.34.070 Presence in locked rooms.
8.34.080 Permitting alarm system unlawful.
8.34.090 Severability.
8.34.100 Violation – Penalty.

8.34.010 Locking entrance unlawful.

It is unlawful for any person or persons in charge of or having the management of, or being in the employment of, or a member of or guest in, any social club, either incorporated or unincorporated, to lock, bar, or in any manner obstruct, or to suffer or permit to be locked, barred or in any manner obstructed, the entrance or entrances leading to any room or place in such social club wherein nonintoxicating beverage and/or tobaccos are kept for sale or facilities for social games are maintained, at any time when any person is present therein with one or more other persons.

(Ord. 7996 § 1; passed Oct. 29, 1923)

8.34.020 Alarm system at entrance unlawful.

It is unlawful for any person to construct or cause to be constructed, or to suffer or permit to continue or be maintained, any alarm or system of alarms in connection with the entrance or entrances leading to any room or place in any social club, either incorporated or unincorporated, wherein nonintoxicating beverages and/or tobaccos are kept for sale or facilities for social games are maintained.

(Ord. 7996 § 2; passed Oct. 29, 1923)

8.34.030 Warning of approach of police – Lookouts.

It is unlawful for the owner or any person having the management or control or charge of, or in the employment of the owner of, any place in the City of Tacoma where nonintoxicating beverages, tobaccos or confectioneries are kept for sale, or where facilities are maintained for the playing of billiards, pool, cards, or any social game, or where a restaurant, hotel, lodging house or club is maintained, to employ, station, post, keep, maintain, suffer or permit any person or persons at or near the entrance or entrances thereto, or in any place so as to command a view of the approach thereto, for the purpose or with the object of giving any advice, information or warning in any manner whatsoever that police officers are approaching, are about to enter, are entering, or have entered such place.

(Ord. 8022 § 1; passed Nov. 14, 1923)

8.34.040 Warning that police are approaching – Unlawful.

It is unlawful for any person to give any advice, information or warning, in any manner whatsoever, that police officers are approaching, are about to enter, are entering or have entered, any place in the City of Tacoma where nonintoxicating beverages, tobacco or confectioneries are kept for sale or facilities are maintained for the playing of billiards, pool, cards, or any social game, or where a restaurant, hotel, lodginghouse or club is maintained, and any such person or persons giving any such advice, information or warning are hereby declared to be disorderly persons.

(Ord. 8022 § 2; passed Nov. 14, 1923)

8.34.050 Presence in place where warning given.

It shall be unlawful for any person to be with one or more other persons in any room or place where nonintoxicating beverages, tobaccos or confectioneries are kept for sale, or where facilities are maintained for playing billiards, pool, cards or any social game, or where a restaurant, hotel, lodginghouse or club is maintained, when, with the knowledge of such person at such time any person is employed, stationed, kept, maintained, suffered or permitted at or near the entrance or entrances thereto or in any place so as to command a view of the approach thereto, for the purpose or with the object of giving any advice, information or warning in any manner whatsoever that police officers are approaching, or are about to enter, are entering, or have entered, such place, and any such person so found therein is hereby declared to be a disorderly person.

(Ord. 8022 § 3; passed Nov. 14, 1923)

8.34.060 Locking rooms.

It shall be unlawful for the owner of, or any agent or other person or persons having the charge or rental of, any premises occupied by any social club, either incorporated or unincorporated, to knowingly suffer or permit to be locked, barred, or in any manner obstructed, the entrance or entrances leading to any room or place in such social club wherein nonintoxicating beverages and/or tobaccos are kept for sale or facilities for social games are maintained.

(Ord. 7996 § 3; passed Oct. 29, 1923)

8.34.070 Presence in locked rooms.

It shall be unlawful for any person to be with one or more other persons in any room or place in any social club, either incorporated or unincorporated, wherein nonintoxicating beverages and/or tobaccos are kept for sale or facilities for social games are maintained at any time when the entrance or entrances leading thereto are locked, barred or obstructed in any manner whatsoever, or in any manner equipped with any alarm or system of alarms, and any person or persons so found therein are hereby declared to be disorderly persons.

(Ord. 7996 § 5; passed Oct. 29, 1923.)

8.34.080 Permitting alarm system unlawful.

It shall be unlawful for the owner of, or any agent or other person or persons having the charge or rental of, any premises occupied by any social club, either incorporated or unincorporated, to knowingly suffer or permit to be constructed, or to be continued or maintained, any alarm or system of alarms in connection with the entrance or entrances leading to any room or place in such social club wherein nonintoxicating beverages and/or tobaccos are kept for sale or facilities for social games are maintained.

(Ord. 7996 § 4; passed Oct. 29, 1923)

8.34.090 Severability.

If any section or sections of this chapter shall be invalid, it shall not affect the validity of the other sections of the chapter.

(Ord. 7996 § 6; passed Oct. 29, 1923)

8.34.100 Violation – Penalty.

Every person who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding $500.00 or by imprisonment in the Pierce County Jail for a period not exceeding six months, or by both such fine and imprisonment.

(Ord. 22600 § 31; passed Dec. 29, 1981: Ord. 8022 § 4; passed Nov. 14, 1923: Ord. 7996 § 7; passed Oct. 29, 1923)

CHAPTER 8.35
PREVENTING NEGLECT OF HISTORIC PROPERTIES

Sections:

8.35.010 Intent and Purpose.
8.35.020 Neglect of Historic Properties is a Public Nuisance.
8.35.030 Scope and Applicability.
8.35.040 Definitions.
8.35.050 Neglected Historic Properties.
8.35.060 Penalties and Enforcement.
8.35.070 Emergencies.

8.35.010 Intent and Purpose.

A. The City of Tacoma finds that the protection, enhancement, perpetuation, and continued use of historically significant properties located within the City are important in the interests of the prosperity, civic pride, and the ecological and general welfare of its citizens. The City further finds that the economic, cultural, and visual standing of the City cannot be maintained or enhanced by disregarding the heritage of the City or by allowing the destruction, defacement, and neglect of iconic historic and cultural assets; and that the neglect and deterioration of such assets is harmful to the entire community.

B. It is the policy of the City to encourage the maintenance, protection, use and enhancement of iconic historic and cultural assets, and to engage with responsible property owners to ensure such protection and enhancement through ongoing collaboration, and through various incentives, programs and technical assistance, where appropriate.

C. In certain cases where an owner fails to properly maintain a historic resource, the public interest in historic resources requires the City to take specific measures to ensure the continued protection of the resource. It is therefore the intent of the City Council to protect the general welfare by establishing efficient administrative procedures to prevent the owner's failure to maintain a historically designated property such that it deteriorates to the extent that the only option to abate the health and safety risks caused by such deterioration is demolition, commonly known as "demolition by neglect".

(Ord. 28172 Ex. A; passed Sept. 17, 2013)

8.35.020 Neglect of Historic Properties is a Public Nuisance.

Neglect of a historic property as defined by this chapter is a detriment to the health, safety, and welfare of the public, and is therefore declared to be a public nuisance.

(Ord. 28172 Ex. A; passed Sept. 17, 2013)

8.35.030 Scope and Applicability.

The provisions of this chapter apply to the following types of properties:

A. Properties individually listed on the Tacoma Register of Historic Places and the National Register of Historic Places

B. Contributing properties, excluding residential structures containing four or less units, within in Historic Special Review Overlay Zones and National Register Historic Districts.

(Ord. 28172 Ex. A; passed Sept. 17, 2013)

8.35.040 Definitions.

Where terms, phrases, and words are not defined herein, their definition shall be taken from TMC 2.01, Minimum Building and Structures Code or the Building Code as currently adopted and amended by TMC 2.02.

"Contributing property" means a property within a historic district listed on the Tacoma or National Registers of Historic Places, which is included in the district building inventory as "contributing" as adopted by the Landmarks Preservation Commission or by the National Park Service.

"Historic District" means an Overlay Zone with a concentration of historic resources that has been found to meet the criteria for designation as a Historic Special Review District under the provisions of TMC 13.07 and has been so designated by City Council, OR a district which has been added to the National Register of Historic Places by the National Park Service.

"Historic Property" means any building or structure that is listed on either the Tacoma Register of Historic Places or the National Register of Historic Places, or is a contributing property within a Historic Special Review District Overlay Zone or a National Register Historic District.

"Neglected Historic Property" means a historic property which has been found to exhibit one or more of the conditions listed in this chapter.

"Owner" means any person, including any natural person, joint venture, partnership, association, club, company, corporation, business trust, government entity, or organization, or the manager, lessee, agent, officer, or employee of any of them, having any interest in the real estate in question as indicated in the records of the office of the Pierce County Assessor, or who establishes, under this chapter, his or her ownership interest therein.

(Ord. 28172 Ex. A; passed Sept. 17, 2013)

8.35.050 Neglected Historic Properties.

A. The following deteriorated conditions are evidence that a historically designated property is a "neglected historic property" in violation of this chapter, include but are not limited to:

1. Unstable or insecure architectural elements such as veneers, cornices, belt courses, corbels, trim, wall facing and similar decorative elements or parts that may fall and cause injury to persons or property.

2. Deteriorated, cracking, failing or otherwise inadequate foundation or one that is unable to support loads.

3. Deteriorated or defective flooring or floor supports that causes leaning, sagging, splitting, listing, buckling, or are otherwise insufficient to carry imposed loads.

4. Deteriorated or defective walls, partitions or supports that cause leaning, sagging, splitting, listing, buckling, or are otherwise insufficient to carry imposed loads.

5. Ceilings, roofs, ceiling or roof supports, or other horizontal members which sag, split, or buckle due to defect or deterioration or are insufficient to support the imposed loads.

6. Deteriorated or defective chimneys, smokestacks or fireplaces or other appurtenances that cause leaning, sagging, splitting, listing, buckling, or are of insufficient size or strength to carry the imposed loads.

7. Deteriorated, crumbling, or loose exterior stucco, plaster, or mortar, or loose or unstable masonry.

8. Broken, missing, or rotted roofing materials or roof components, window glass, sashes, or frames, or exterior doors or door frames.

9. Any fault, defect, or condition in the structure which renders it structurally unsafe or unstable.

10. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint (for surfaces that are designed to be painted) or other protective covering or holes in weather protection.

11. Other visible signs of exterior deterioration that has a detrimental effect upon the character of the building.

12. Deterioration or improper anchorage of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling.

13. Rotting, holes, and other forms of decay, including vegetation growing from or on structures.

14. Other deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.

15. Open or unsecured vacant building that is accessible to trespass or evidence of unlawful human occupation.

16. Other conditions causing deterioration of "character defining features" on the historic property, such as veneers, cornices, belt courses, corbels, trim, wall facing and similar decorative elements or parts, which may cause the building to lose its historic significance.

B. Building elements, configurations or construction techniques present in historic buildings that are consistent with the applicable building codes at the time of construction do not constitute neglect as defined by this chapter.

C. Normal signs of age commonly present in historic buildings, such as fading and crazing of surface finishes, do not constitute neglect as defined by this chapter.

(Ord. 28172 Ex. A; passed Sept. 17, 2013)

8.35.060 Penalties and Enforcement.

When the City determines that a neglected historic property exists within the City, it may:

A. Begin enforcement action pursuant to procedures outlined in TMC 8.30, including, but not limited to, issuing a Notice of Violation and Abatement, or entering and repairing or correcting any conditions that threaten the integrity of the building, including failing weather protection, structural instability, failing masonry, or architectural elements in danger of falling off, and in accordance with the requirements for design review TMC 13.05.047. Such repair should be limited to that which is minimally necessary in order to stabilize a historic structure or to prevent further significant deterioration, and may be considered temporary in nature.

B. A person to whom a Notice of Violation and Abatement or civil penalty has been issued, or any other person with a legal or equitable interest in the property, may request an appeal hearing pursuant to TMC 8.30.100. If any historic property covered by this chapter shall have to be demolished as an unfit building per TMC 2.01 and the owner thereof shall have received two (2) or more notices from the City that the property is a "neglected historic property" in violation of this and other city ordinances, the following shall apply:

1. For a period of five (5) years from and after the date of such demolition, development of the site shall be limited to a replacement structure that reproduces the size, square footage and visual, aesthetic, architectural, and material character of the demolished building, and must be approved by the Landmarks Preservation Commission, prior to the issuance of any development permits. Additionally, no permits for the operation of surface parking lot shall be granted by the city during this period, nor shall a parking lot for vehicles be operated, whether for remuneration or not, on the site for a period of five (5) years from and after the date of such demolition.

2. This provision shall not apply to demolitions attributable to an act of God or other catastrophic occurrence that could not have been prevented by the exercise of foresight or caution

3. This provision may be lifted by the Director of Planning and Development Services in consultation with the Landmarks Preservation Commission if it can be demonstrated that there is a viable development project on the site that represents a substantial benefit to the public.

C. For historic properties that may be considered unfit according to RCW 35.80, the City may initiate the unfit building procedures pursuant to TMC 2.01.050 or the City may initiate eminent domain procedures in accordance with RCW 35.80A.

(Ord. 28255 Ex. B; passed Nov. 4, 2014: Ord. 28172 Ex. A; passed Sept. 17, 2013)

8.35.070 Emergencies.

If a historic property is damaged and the Building Official determines that the historic property will suffer additional damage without immediate repair, the Historic Preservation Officer may act on behalf of the Landmarks Preservation Commission to work with the Building Official to authorize the property owner, or applicant on behalf of the property owner, to temporarily protect the historic property pursuant to 13.05.049.C.

(Ord. 28172 Ex. A; passed Sept. 17, 2013)

CHAPTER 8.36
PLACES OF AMUSEMENT – CARD PLAYING

Sections:

8.36.010 Social card games prohibited.
8.36.020 Exemptions.
8.36.030 Violation – Penalty.

8.36.010 Social card games prohibited.

The operation or conduct of social card games as defined by RCW 9.46.0282 is prohibited within the City of Tacoma.

(Ord. 26515 § 1; passed Oct. 5, 1999: Ord. 6911 § 1; passed Dec. 4, 1918)

8.36.020 Exemptions.

A. Bona fide, charitable, or nonprofit organizations may operate or conduct social card games pursuant to RCW 9.46.0311.

B. Social card games licensed by the Washington State Gambling Commission for operation in the City of Tacoma on or before the effective date of this ordinance may be conducted and operated in accordance with the provisions of RCW 9.46, and the rules and regulations adopted thereunder, until 2:00 a.m. January 1, 2006.

(Ord. 26515 § 1; passed Oct. 5, 1999)

8.36.030 Violation – Penalty.

Any person, firm, or corporation violating the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined a sum not to exceed $1,000, or imprisonment in the Pierce County Jail for a period not to exceed six months, or both such fine and imprisonment.

(Ord. 26515 § 1; passed Oct. 5, 1999: Ord. 6911 § 1; passed Dec. 4, 1918)

CHAPTER 8.37
THEFT

Sections:

8.37.010 Definitions.
8.37.020 Theft – Definition, defense.
8.37.030 Theft in the Third Degree.
8.37.030A Vehicle Prowling in the Second Degree.
8.37.040 Unlawful issuance of checks or drafts
8.37.050 Theft of rental, leased, lease-purchased, or loaned property.
8.37.060 Possessing stolen property in the Third Degree.
8.37.070 Obscuring the identity of a machine.
8.37.080 Theft of subscription television services.
8.37.090 Shopping cart theft.
8.37.100 Credit, debit cards, checks, etc. – Definitions.
8.37.110 Possession of another's identification.
8.37.115 Metal Businesses – Unlawful Acts and Exceptions.

8.37.010 Definitions.

RCW 9A.56.010, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein.

(Ord. 27842 Ex. A; passed Oct. 20, 2009: Ord. 22600 § 33; passed Dec. 29, 1981)

8.37.020 Theft – Definition, defense.

RCW 9A.56.020, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein.

(Ord. 27842 Ex. A; passed Oct. 20, 2009: Ord. 22600 § 33; passed Dec. 29, 1981)

8.37.030 Theft in the Third Degree.

RCW 9A.56.050, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is excluded.

(Ord. 27842 Ex. A; passed Oct. 20, 2009)

8.37.030A Vehicle Prowling in the Second Degree.

RCW 9A.52.100, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein, including penalties.

(Ord. 28178 Ex. B; passed Oct. 8, 2013)

8.37.040 Unlawful issuance of checks or drafts.

RCW 9A.56.060, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is excluded.

(Ord. 27842 Ex. A; passed Oct. 20, 2009)

8.37.050 Theft of rental, leased, lease-purchased, or loaned property.

RCW 9A.56.096, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is excluded.

(Ord. 27842 Ex. A; passed Oct. 20, 2009)

8.37.060 Possessing stolen property in the Third Degree.

RCW 9A.56.170, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is excluded.

(Ord. 27842 Ex. A; passed Oct. 20, 2009)

8.37.070 Obscuring the identity of a machine.

RCW 9A.56.180, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein, including penalties.

(Ord. 27842 Ex. A; passed Oct. 20, 2009)

8.37.080 Theft of subscription television services.

RCW 9A.56.220, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein, including penalties.

(Ord. 27842 Ex. A; passed Oct. 20, 2009)

8.37.090 Shopping cart theft.

RCW 9A.56.270, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein, including penalties.

(Ord. 27842 Ex. A; passed Oct. 20, 2009)

8.37.100 Credit, debit cards, checks, etc. – and Definitions.

RCW 9A.56.280, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is excluded.

(Ord. 27842 Ex. A; passed Oct. 20, 2009)

8.37.110 Possession of another's identification.

RCW 9A.56.330, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein, including penalties.

(Ord. 27842 Ex. A; passed Oct. 20, 2009)

8.37.115 Metal Businesses – Unlawful Acts and Exceptions.

1. It is unlawful for a person to engage in the business of a scrap metal processor, scrap metal recycler, or scrap metal supplier, as those terms are defined by state law, without having first applied for and received a state scrap metal license.

2. RCW 19.290.070, "Violations – Penalty," as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein.

3. A person or firm engaged in the unlawful activity described in this section is guilty of a gross misdemeanor.

4. RCW 19.290.090, "Exemptions from chapter," as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein.

(Ord. 28184 Ex. B; passed Nov. 12, 2013)

CHAPTER 8.38
PROHIBITED USE OF NON-FCC CERTIFICATED TRANSMITTING EQUIPMENT IN THE CITIZENS BAND

Sections:

8.38.010 Prohibited use of non-FCC certificated transmitting equipment in the citizens band.
8.38.020 Violation penalty.

8.38.010 Prohibited use of non-FCC certificated transmitting equipment in the citizens band.

It is unlawful for any person, firm, or corporation, to (a) use citizens band radio equipment not authorized by the Federal Communications Commission; (b) to allow the unauthorized operation of citizens band radio equipment on a frequency between 24 MHz and 35 MHz. Provided, however, as required by 47 U.S.C. § 302(a), licensed amateur radio ("Ham") operators are excluded from the above provisions.

(Ord. 26851 § 1; passed Sept. 18, 2001)

8.38.020 Violation penalty.

Any person found guilty of a violation of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding $500 or by imprisonment in the Pierce County Jail for a period not exceeding six months or by both such fine and imprisonment.

(Ord. 26851 § 1; passed Sept. 18, 2001)

CHAPTER 8.40
POISONS

Sections:

8.40.010 Unlawful to put poison in exposed places.
8.40.020 Exceptions.
8.40.030 Violations – Penalty.

8.40.010 Unlawful to put poison in exposed places.

No person shall intentionally place or expose, or cause to be placed or exposed, in any yard or lot of vacant or enclosed land, or on any gallery, fence, doorstep or porch, or in any outhouse, or in any exposed place or public place, or on any street, alley or highway, or other place, where the same may be taken internally by any child, person, or by any domestic animal or fowl, any poisonous substance which, if taken internally, may cause death or serious sickness.

(Ord. 15014 § 1; passed May 10, 1954)

8.40.020 Exceptions.

Users of poisonous substances, sold commercially for home or garden use for destroying rodents and household or garden pests and used for such purposes, shall not be subject to this chapter. Users of poisonous substances, sold commercially as insecticides, fungicides or herbicides, and used for such purpose in sprays or dust, shall not be subject to this chapter. Merchants keeping, displaying or selling commercial poisonous products approved by the Department of Food and Drugs of the United States Department of Agriculture shall not be subject to this chapter. Exterminators, and their materials, duly licensed by the City of Tacoma, and exterminators, and their materials, under the direction and supervision of the United States Public Health Service, or any other Federal, State or municipal authority or agency, shall not be subject to the provisions of this chapter when in the performance of such authorized work.

(Ord. 15014 § 2; passed May 10, 1954)

8.40.030 Violations – Penalty.

Any person who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine in a sum not exceeding $500.00, or by imprisonment in the Pierce County Jail for a period not exceeding six months, or by both such fine and imprisonment.

(Ord. 22600 § 35; passed Dec. 29, 1981: Ord. 15014 § 3; passed May 10, 1954)

CHAPTER 8.42
POLICE BADGES – UNAUTHORIZED SALES

Sections:

8.42.010 Unauthorized sale of police badges unlawful.
8.42.020 Violation – Penalty.

8.42.010 Unauthorized sale of police badges unlawful.

It is unlawful for any person, firm or corporation to make, sell or give away any badge containing the words "Police Department, City of Tacoma," or any words of a similar nature thereupon in such a manner as to mislead the public. The badge is the official badge of the Police Department of the City of Tacoma, unless the badge is made upon a written order, signed by the Chief of Police of the City of Tacoma or the City Manager of the City of Tacoma.

(Ord. 7355 § 1; passed Oct. 27, 1920)

8.42.020 Violation – Penalty.

Any person found guilty of a violation of this chapter shall be guilty of a misdemeanor and shall be punished by a fine in a sum not to exceed $500.00, or by imprisonment in the Pierce County Jail for a period not exceeding six months, or by both such fine and imprisonment.

(Ord. 22600 § 36; passed Dec. 29, 1981: Ord. 7355 § 2; passed Oct. 27, 1920)

CHAPTER 8.44
PROPERTY – OFFENSES AGAINST

Sections:

8.44.010 Expectoration in public places.
8.44.020 Reckless burning.
8.44.030 Library – Defacing, or failing to return, books.
8.44.040 Library – Taking books without permission.
8.44.050 *Repealed*
8.44.056 Throwing of rocks – Damage or injury.
8.44.060 Monuments and survey markers.
8.44.065 Trespassing on posted public property.
8.44.070 Official signs and notices.
8.44.075 Political signs and notices.
8.44.090 Railroad tracks – Obstructing.
8.44.100 Utilities property – Light plant.
8.44.110 Utilities property – Reward.
8.44.120 Utilities property – Water main bridges.
8.44.130 Malicious Mischief in the Third Degree.
8.44.140 Malicious Mischief – "Physical damage" defined.
8.44.150 *Repealed*.
8.44.160 Criminal mischief.
8.44.170 Computer trespass.

8.44.010 Expectoration in public places.

No person shall expectorate on the floor of any motor bus or other public conveyance or public building, or on any sidewalk in the City of Tacoma. Violation is a misdemeanor.

(Ord. 27842 Ex. A; passed Oct. 20, 2009: Ord. 22600 § 37; passed Dec. 29, 1981: Ord. 1295 §§ 1, 2; passed Jun. 17, 1898)

8.44.020 Reckless burning.

RCW 9A.48.050 and RCW 9A.48.060, as now enacted or hereinafter amended, are hereby adopted by reference as if fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is excluded.

(Ord. 27842 Ex. A; passed Oct. 20, 2009: Ord. 22314 § 1; passed Mar. 3, 1981: Ord. 7771 § 1; passed Oct. 4, 1922)

8.44.030 Library – Defacing, or failing to return, books.

It shall be unlawful to fail to return any book, newspaper, magazine, pamphlet, manuscript, or other property belonging in or to any public library or any branch, reading room, deposit station, museum, or institution operated in connection therewith, for a period exceeding 30 days after the mailing to the borrower's address, on file with said library, of a notice in writing to return the same, given after the expiration of the time which, by the rules of such institution, such article or other property may be kept; which notice so mailed shall bear on its face a copy of this section. Violation is a misdemeanor.

(Ord. 27842 Ex. A; passed Oct. 20, 2009: Ord. 22314 § 1; passed Mar. 3, 1981: Ord. 7771 § 2; passed Oct. 4, 1922)

8.44.040 Library – Taking books without permission.

It shall be unlawful to take: without the permission of the librarian or an assistant; by making use of a borrower's card belonging to another without the permission of the owner thereof and the librarian or an assistant, or by color or aid of any fraud or false representation, impersonation or pretense, or by any false token, or writing, or by any device or trick, from any public library, or any branch, reading room, deposit station, museum or institution operated in connection therewith, any property belonging therein or thereto. Violation is a misdemeanor.

(Ord. 27842 Ex. A; passed Oct. 20, 2009: Ord. 22314 § 1; passed Mar. 3, 1981: Ord. 7771 § 3; passed Oct. 4, 1922)

8.44.050 Library – Penalty for violation of Sections 8.44.020 - 8.44.040. *Repealed by Ord. 27842*

(Ord. 27842 Ex. A; passed Oct. 20, 2009: Ord. 22314 § 1; passed Mar. 3, 1981: Ord. 7771 § 4; passed Oct. 4, 1922)

8.44.056 Throwing of rocks – Damage or injury.

It shall be unlawful for any person to throw, place, or cause to be thrown or placed, or to aid and abet the throwing or placing in, into, over or onto any public place, rocks, broken glass, bottles, containers, tacks, nails, garbage, rubbish, offal, discarded

matter or any other article, object or thing that damages or may damage or tend to damage any property, building, vehicle or other thing of value belonging to or under the control and care of the City of Tacoma, County of Pierce, Metropolitan Park District or other political subdivision of the State of Washington, or that injures or may injure or tend to injure any person, animal or living thing upon said property. Violation is a gross misdemeanor.

(Ord. 27842 Ex. A; passed Oct. 20, 2009: Ord. 16789 § 1; passed May 2, 1961)

8.44.060 Monuments and survey markers.

It shall be unlawful for any person or persons within the city limits of the City of Tacoma to remove, change, pull up or destroy, or in any manner interfere with any monument, stake, post or peg established or set by the City Engineer of the City of Tacoma, or by any of his assistants in the performance of his or their duties as such engineer or assistant; provided, however, that this section shall not apply to any contractor who may be obliged to remove such monument, stake, post, or peg in the performance of his contract, provided said contractor shall first notify the City Engineer of the necessity for such removal and obtain permission from him so to do. Violation is a misdemeanor.

(Ord. 27842 Ex. A; passed Oct. 20, 2009: Ord. 22600 § 39; passed Dec. 29, 1981: Ord. 184 §§ 1, 2; passed Dec. 8, 1887)

8.44.065 Trespassing on posted public property.

Any person who shall go upon the premises or land owned by, under the control and care of, or in the possession of, the City of Tacoma, County of Pierce, Metropolitan Park District or other political subdivision of the State of Washington, with intent to vex the owner or occupant thereof or to commit any unlawful act, or shall willfully go on or remain in or upon said premises or land after having been warned by the owner or occupant thereof, occupant's agent, or a security or peace officer not to enter therein or not to remain thereon, shall be guilty of a misdemeanor.

The City, County, Metropolitan Park District or other political subdivision of the State of Washington shall be deemed to have given sufficient warning against trespassing within the meaning of this section, after having posted in a conspicuous manner upon or near the boundary of each side of any unenclosed lot or parcel of land, or near the entrance to any building, dwelling house or premises, a sign or signs legibly printed or painted in the English language, substantially as follows: "WARNING – PUBLIC PROPERTY – NO TRESPASSING."

(Ord. 24937 § 2; passed Jul. 2, 1991: Ord. 16789 § 2; passed May 2, 1961)

8.44.070 Official signs and notices.

It shall be unlawful for any person to efface, destroy or remove any official sign or notice which has been posted by authority of the City of Tacoma in any public place or upon any building or other structure within the City by its officers or agents while the warning of such signs and notices shall be in force; provided that this chapter shall not apply to any sign or notice posted under any health or quarantine ordinance or regulation. Violation is a misdemeanor.

(Ord. 27842 Ex. A; passed Oct. 20, 2009: Ord. 22600 § 40; passed Dec. 29, 1981: Ord. 4256 §§ 1, 2; passed Aug. 24, 1910)

8.44.075 Political signs and notices.

It shall be unlawful for any person to efface, destroy or remove any bona fide political sign from its location within the City of Tacoma during the period preceding a political election; provided, however, this shall not impair the right of a person or owner in lawful occupancy of real property from removing any political sign placed without his or her consent upon his or her property or upon property over which he or she asserts dominion and control. Violation is a misdemeanor.

(Ord. 27842 Ex. A; passed Oct. 20, 2009: Ord. 22600 § 41; passed Dec. 29, 1981: Ord. 18927 § 1; passed Sept. 9, 1969)

8.44.090 Railroad tracks – Obstructing.

It shall be unlawful for any person or persons to willfully place or cause to be placed upon or adjacent to the track or between the rails of any street railway company or any railroad company operating street cars or railroad trains in the City of Tacoma any obstacle whatever. Violation is a misdemeanor.

(Ord. 27842 Ex. A; passed Oct. 20, 2009: Ord. 22600 § 42; passed Dec. 29, 1981: Ord. 2273 §§ 1, 2; passed Jan. 12, 1905)

8.44.100 Utilities property – Light plant.

It is unlawful for any person to, in any manner, injure, mutilate, destroy, remove, disconnect, or in any wise interfere, or tamper with, any of the machinery, poles, wires, meters, lamps, or other appliances belonging to, or in any manner connected with, the Light and Power Plant of the City of Tacoma. Violation is a gross misdemeanor.

(Ord. 27842 Ex. A; passed Oct. 20, 2009: Ord. 22600 § 43; passed Dec. 29, 1981: Ord. 6378 §§ 1, 3; passed Jun. 7, 1916)

8.44.110 Utilities property – Reward.

The Director of Utilities is hereby authorized to offer, and the proper officers of the City are authorized to pay, a reward of $10.00 out of the Light Fund to any person who shall furnish information to the Director which shall result in the conviction of any person for the violation of Section 8.44.100; provided, that not more than one reward shall be paid in any one case.

(Ord. 6378 § 2; passed Jun. 7, 1916)

8.44.120 Utilities property – Water main bridges.

It is unlawful for any person to walk upon or use as a passageway any bridge or structure erected for the maintenance of sewer or water pipes in the City of Tacoma, or to molest, destroy, or in any manner interfere with, any gate or barrier connected thereto. Violation is a misdemeanor.

(Ord. 27842 Ex. A; passed Oct. 20, 2009: Ord. 22600 § 44; passed Dec. 29, 1981: Ord. 6272 §§ 1, 2; passed Dec. 8, 1915)

8.44.130 Malicious Mischief in the Third Degree.

RCW 9A.48.090, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is excluded.

(Ord. 28205 Ex. A; passed Mar. 4, 2014: Ord. 27842 Ex. A; passed Oct. 20, 2009: Ord. 22600 § 45; passed Dec. 29, 1981: Ord. 18649 § 3; passed Sept. 10, 1968)

8.44.140 Malicious Mischief – "Physical damage" defined.

RCW 9A.48.100, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

(Ord. 28205 Ex. A; passed Mar. 4, 2014: Reenacted by Ord. 27842 Ex. A; passed Oct. 20, 2009: repealed by Ord. 25595 § 1; passed Oct. 4, 1994: Ord. 22600 § 46; passed Dec. 29, 1981: Ord. 19274 § 1; passed Dec. 29, 1970: Ord. 18649 § 3; passed Sept. 10, 1968)

8.44.150 Violation – Penalties. *Repealed by Ord. 27842.*

(Ord. 27842 Ex. A; passed Oct. 20, 2009Ord. 22600 § 47; passed Dec. 29, 1981)

8.44.160 Criminal Mischief.

RCW 9A.84.010, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties; except, that conduct constituting a felony, as determined by the prosecutor, is excluded.

(Ord. 28205 Ex. A; passed Mar. 4, 2014)

8.44.170 Computer trespass.

RCW 9A.52.120, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

(Ord. 28231 Ex. A; passed Jul. 8, 2014)

CHAPTER 8.45
BUILDING SECURITY DEVICES

Sections:

8.45.010 Security requirements – Exemptions.
8.45.020 Enforcement – Right of entry.
8.45.030 Responsibility for compliance.
8.45.040 Inspection – Notice.
8.45.050 Security measures – Locking devices.
8.45.060 Security measures – Intrusion detection devices.
8.45.070 Appeal from intrusion detection device requirements.
8.45.080 Hotels, motels, and apartment houses.
8.45.090 Definitions.
8.45.100 Penalties for violations.
8.45.110 Effective date.

8.45.010 Security requirements – Exemptions.

Except as hereinafter specifically exempted, all existing and future buildings in the City used by any person for the purpose of conducting, managing, or carrying on any business, shall, when not occupied by a watchman, maintenance personnel, or other authorized persons during the period that such building is closed to business, be so secured as to prevent unauthorized entry, in accordance with specifications for physical security of exterior accessible openings, as provided in Sections 8.45.050 and 8.45.060 herein; provided, that buildings used for Group "C," "D," "H," "I," or "J" occupancy, as defined in the Building Code (Chapter 2.02), shall be exempt from the provisions of this chapter, except as expressly provided herein; and provided further that:

A. Buildings used for Group "A" and "B" occupancy as defined in said Building Code, and

B. Buildings required by said Building Code to have exit doors equipped with panic hardware locks,

shall be exempt from the provisions of this chapter relating to exterior doors. The provisions of this chapter are not to be construed as relieving any party to whom they pertain from compliance with other relevant chapters of this code.

(Ord. 20121 § 1; passed May 21, 1974)

8.45.020 Enforcement – Right of entry.

The Chief of Police is hereby authorized and directed to enforce the provisions of this chapter and, upon presentation of proper credentials, the Chief of Police or his duly authorized representative may, with the consent of the occupant or pursuant to a lawfully issued warrant, enter at reasonable times any building or premises used for business purposes, for the purpose of inspecting the physical security of exterior accessible openings of such building or premises.

(Ord. 20121 § 1; passed May 21, 1974)

8.45.030 Responsibility for compliance.

Responsibility for compliance with the specifications set forth in Sections 8.45.050 and 8.45.060 of this chapter shall be as follows:

A. As to buildings occupied by a business establishment which does not share the exterior openings of such building with any other business establishment, the person operating such business shall be responsible.

B. As to buildings occupied by two or more business establishments which share the use of exterior openings of such building, the owner of said building, or his agent having charge, care, or control of such building, shall be responsible.

(Ord. 20121 § 1; passed May 21, 1974)

8.45.040 Inspection – Notice.

The Chief of Police shall inspect, or cause to be inspected, the accessible exterior openings of every building subject to the provisions of this chapter, and, if he shall find accessible exterior openings in any such building which do not comply with the specifications set forth in Sections 8.45.050 and 8.45.060 hereof, he shall give notice in writing to the person responsible, as designated in Section 8.45.030 hereof, setting forth the deficiencies which are to be corrected, and the period of time within which such corrections shall be completed. Failure to comply with such notice within the period of time specified shall be a violation of this chapter.

(Ord. 20121 § 1; May 21, 1974)

8.45.050 Security measures – Locking devices.

All exterior openings of any building used for business purposes and subject to the provisions of this chapter, and not otherwise protected by photoelectric, ultrasonic, or other intrusion detection devices approved by the Chief of Police, shall be secured as provided in this section; provided that locking devices on exit doors in buildings used for Group "E," "F," and "G" occupancies, as defined in the Building Code (Chapter 2.02), shall also comply with the requirements of Section 3303 of said Building Code.

A. Front Doors. All front doors of any such building or premises shall comply with the following requirements:

1. Tempered glass doors, wood or metal doors with tempered glass panel, and solid wood or metal doors shall be secured as follows:

a. A single door shall be equipped with double cylinder deadlock with minimum one-inch throw that unlocks from both the outside and inside by key, or with cylinder deadlock that unlocks from the outside by key and inside by turnpiece, handle, or knob.

b. On double doors, the active leaf shall be equipped with a type of lock as prescribed for single doors, above, and the inactive leaf shall be equipped with flush bolts at head and foot.

2. Doors with glass panels not of tempered glass and doors that have nontempered glass panels adjacent to the door frame shall be secured as follows:

a. A single door shall be equipped with cylinder deadlock that unlocks from both the outside and inside with a key.

b. On double doors, the active leaf shall be equipped with a cylinder deadlock that unlocks from both the outside and inside by a key, and the inactive leaf shall be equipped with flush bolts at head and foot.

3. Rolling overhead doors that are not controlled or locked by electric power operation shall be equipped on the inside with a case-hardened padlock installed in the rail so that the rollers will not move past the padlock.

4. A solid overhead, swinging, sliding, or accordion garage-type door shall be secured with a cylinder lock, padlock, and/or metal slide bar, bolt, or crossbar on the inside when not otherwise controlled or locked by electric power operation. If a padlock is used, it shall be of hardened steel shackle, with minimum four-pin tumbler operation. In the event that this type of door provides the only entrance to the front of the building, a cylinder lock or padlock with hardened steel shackle and minimum four-pin tumbler operation may be used on the outside.

5. Metal accordion grate or grille-type doors shall be equipped with metal guide track at top and bottom and a cylinder lock and/or padlock with hardened steel shackle and minimum four-pin tumbler operation.

6. Outside hinges on all front doors shall be provided with nonremovable pins. Such hinge pins may be either welded, flanged or secured by a screw.

B. Rear, Side, and Basement Doors. All accessible rear, side, and basement doors of any such building or premises shall comply with the following requirements:

1. All doors of the types listed below shall comply with the requirements of subsection A of this section pertaining to front doors:

a. Tempered glass doors and metal or wood doors with tempered glass panel.

b. Rolling overhead doors.

c. Solid overhead, swinging, sliding, or accordion garage-type doors.

d. Metal accordion grate or grille-type doors.

2. Doors with nontempered glass panels and doors that have glass panels adjacent to the door frame shall be secured as follows:

a. The glass panel shall be covered with iron bars of at least one-half inch round or 1 inch x 1/4 inch flat steel material, spaced not more than five inches apart, or

b. Iron or steel grilles of at least 1/8-inch material of 2-inch mesh.

c. If the door or glass panel barrier is on the outside, it shall be secured with rounded head flush bolt on the outside or be spot-welded.

d. If the remaining portion of a door panel exceeds 8 inches x 12 inches (excluding door frame), is of wood, but not of solid-core construction, or is less than 1-3/8 inches thick, said portion shall be covered on the inside with at least 16-gauge sheet steel attached with screws.

3. Wood doors, not of solid-core construction or with panels therein less than 1-3/8 inches thick, shall be covered on the inside with at least 16-gauge sheet steel attached with screws.

4. Locking Devices.

a. A single door shall be equipped with a double cylinder deadlock with a minimum one-inch throw that unlocks from the outside and inside by key, or with approved slide-bar bolt, cross-bar, and/or padlock. If a padlock is used, it shall be of hardened steel shackle, with minimum four-pin tumbler operation.

b. On double doors, the active leaf shall be equipped with a type of lock as prescribed for single doors, above, and the inactive leaf shall be equipped with flush bolts at head and foot, or a vertical bolt.

5. Outside hinges on all rear, side, and basement doors shall be provided with nonremovable pins. Such hinge pins may be either welded, flanged, secured by a screw, or pinned.

C. Roof Doors. All doors that exit onto the roof of any such building or premises shall comply with the following requirements:

1. Doors with nontempered glass or breakable plastic panels, and with such panels that are adjacent to the door frame, shall be protected as follows:

a. The glass portion shall be covered with iron or steel grille of at least 1/8-inch material, of no more than 2-inch mesh securely fastened.

b. If the door or glass panel barrier is on the outside, it shall be secured with rounded head flush-bolt on the inside.

c. If the remaining portion of a door panel exceeds 8 inches x 12 inches (excluding door frame), and is of wood, but not of solid-core construction, or is less than 1-3/8 inches thick, said portion shall be covered on the inside with at least 16-gauge sheet steel attached with screws.

2. Wood doors, not of solid-core construction or with panels therein less than 1-3/8 inches thick, shall be covered on the inside with at least 16-gauge sheet steel attached with screws.

3. All roof doors shall be provided with a lock that will permit the door to be opened from the inside without the use of a key or any special knowledge or effort.

4. Outside hinges on all roof doors shall be provided with nonremovable pins. Such hinge pins may be either welded, flanged, or secured by a screw.

D. Windows and Openings. The Chiefs of the Police Department, the Fire Department and of the Buildings Division, Department of Public Works shall determine the extent of protection, if any, that may be required for accessible windows of glass, plastic, fiberglass, etc., at the side or rear of such building. If less than 18 feet above ground, such windows and openings shall be deemed accessible. The determination of the extent of protection shall be based on the following: whether the side of the building fronts on a street; the area, location, and contents thereof; whether such openings are protected by intrusion detection devices; and the incidence of past burglary attempts at the particular location.

1. The chiefs may agree to require side and rear windows and openings with a pane exceeding 96 square inches in area, with its smallest dimension exceeding 6 inches, to be protected in the following manner:

a. Inside or outside iron bars of at least one-half inch round or 1 inch x 1/4 inch flat steel material, spaced not more than 5 inches apart, securely fastened, or

b. Inside or outside iron or steel grille of at least 1/8-inch material of 2-inch mesh securely fastened.

If such barrier is on the outside, it shall be secured with rounded head flush bolt on the outside.

2. If the side or rear window or opening is of the type that can be opened, it shall, where applicable, be secured on the inside with either a glide bar, bolt, crossbar, and/or padlock with hardened steel shackle and minimum four-pin tumbler operation.

3. Outside hinges on all side and rear glass, plastic, fiberglass, etc., windows and openings shall be provided with nonremovable pins. Such hinge pins may be either welded, flanged, or secured by a screw.

E. Accessible Transoms. All exterior transoms exceeding 8 inches x 12 inches on the side and rear of any such building or premises shall be protected by either of the following:

1. Outside iron bars of at least 1/2 inch round or 1 inch x 1/4 inch flat steel material, spaced no more than 5 inches apart, or

2. Outside iron or steel grille of at least 1/8-inch material but not more than 2-inch mesh.

Such barrier shall be secured with rounded head flush bolts on the outside.

F. Roof Openings. All exterior openings on the roof of any such building or premises shall be protected as follows:

1. Glass and plastic skylights shall be provided with:

a. Iron bars of at least 1/2-inch round or 1-inch x 1/4-inch flat steel material under the skylight and securely fastened, or

b. A steel grille of at least 1/8-inch material of 2-inch mesh under the skylight and securely fastened.

2. Hatchway openings shall be secured as follows:

a. If the hatchway is of wooden material, it shall be covered on the inside with at least 16-gauge sheet steel attached with screws.

b. The hatchway shall be secured from the inside with a slide bar or slide bolts. The use of crossbar or padlock is unauthorized unless approved by the Chief of the Fire Department.

c. Outside hinges on all hatchway openings shall be provided with nonremovable pins. Such hinge pins may be either welded, flanged, or secured by a screw.

3. Air duct or air vent openings exceeding 8 inches x 12 inches shall be secured by covering the same with either of the following:

a. Iron bars of at least 1/2-inch round or l-inch x 1/4-inch flat steel material, spaced no more than 5 inches apart and securely fastened, or

b. A steel grille of at least 1/8-inch material of 2-inch mesh and securely fastened.

If the barrier is on the outside, it shall be secured with rounded head flush bolts on the outside.

(Ord. 20121 § 1; passed May 21, 1974)

8.45.060 Security measures – Intrusion detection devices.

A. If it is determined by the Chief of Police that the security measures and locking devices prescribed in Section 8.45.050 of this chapter do not adequately secure the building, he may require the installation and maintenance of photoelectric, ultrasonic, or other intrusion detection device. In making such determination, he shall consider whether:

1. The business establishment has experienced a high incidence of burglary in the past, or

2. The type of merchandise and its inventory value require added security protection.

B. If he determines that such installation is required, notice in writing shall be given to the responsible person designated in Section 8.45.030 of this chapter, specifying the installation to be made and the period of time within which such installation shall be completed. Unless an appeal is filed in accordance with Section 8.45.070 of this chapter, failure to comply with such notice within the time specified shall be a violation of this chapter.

(Ord. 20121 § 1; passed May 21, 1974)

8.45.070 Appeal from intrusion detection device requirements.

Within 10 days after the receipt of written notice from the Chief of Police requiring the installation and maintenance of photoelectric, ultrasonic, or other intrusion detection device, the person responsible for compliance therewith may appeal in writing to the City Council. In filing such notice of appeal, the appellant shall set forth the specific grounds wherein it is claimed there was an error or abuse of discretion by the Chief of Police, or wherein the issuance of said written notice was not supported by proper evidence.

Upon receipt of such appeal, the City Council shall set said matter for hearing and cause notice thereof to be given to the appellant and to the Chief of Police not less than five days prior to the date set for said hearing. At such hearing the appellant shall show cause on the grounds specified in the notice of appeal why the action excepted to should not be affirmed.

The City Council may affirm, reverse, or modify the decision of the Chief of Police requiring the installation and maintenance of a photoelectric, ultrasonic, or other intrusion detection device. If said decision is affirmed or modified by the City Council, the appellant shall be given written notice thereof by the Chief of Police setting forth the installation to be made and the period of time within which the same shall be completed. In no event shall the period be less than that originally granted appellant. Failure to comply with such notice within the time specified shall be a violation of this chapter.

(Ord. 20121 § 1; passed May 21, 1974)

8.45.080 Hotels, motels, and apartment houses.

Unless otherwise specified, the following requirements shall apply to all hotels, motels, and apartment houses to provide the maximum possible security from criminal actions to the permanent and transient occupants thereof, and to their possessions; provided, that nothing in this chapter shall be construed to relieve any party from compliance with the Building Code (Chapter 2.02):

A. Unattended building entrance doors, including rear, service, maintenance and garage, and to storage areas, but excluding sliding glass patio doors, shall be capable of self-closing and self-locking and equipped with a dead latch spring lock.

B. Entrance doors from interior corridors to individual housing units shall be without glass openings and shall be capable of resisting forcible entry equal to a wood, solid core door, 1-3/4 inches thick; building entrance doors (other than main) shall be solid, or if provided with glazed openings, shall have wire or grilles of at least 1/8-inch iron or steel of 2-inch mesh to prevent operation of the door latch from outside by hand or other instrumentality; main entrance doors may be framed or unframed tempered glass or framed 1/4-inch plate glass. Main entrance doors shall be self-closing, capable of self-locking, and shall have a dead latch spring lock.

C. Every entrance door to an individual housing unit in a structure constructed after the effective date of this chapter or in which the door is required to be changed by the provisions of the Fire Code (Title 3) shall have a keyed, single cylinder, one-inch dead bolt or a dead latch spring lock with at least a one-half inch throw. The lock shall be so constructed that the dead bolt or dead latch spring lock may be opened from inside without use of a key. In hotels and motels every entrance door to an individual unit shall also be provided with a chair door guard or barrel bolt on the inside.

D. Housing unit to interior corridor doors in a structure constructed after the effective date of this ordinance or in which the door is required to be changed by the provisions of the Fire Code shall have a visitor observation port, which port shall not be in excess of one-half inch in diameter.

E. In all apartment houses as defined, lock mechanisms and keys shall be changed upon a change of tenancy.

F. All exit doors shall be openable from the interior without the use of a key or any special knowledge or effort.

G. Dead bolts or other approved locking devices shall be provided on all sliding patio doors and installed so that the mounting screws for the lock cases are inaccessible from the outside.

H. Subject to approval by the Chief of Police, locking devices may be substituted for those required herein provided such devices are of equal capability to resist illegal entry and further provided that the installation of the same does not conflict with other requirements of this code and other ordinances regulating safety of exit.

(Ord. 20121 § 1; passed May 21, 1974)

8.45.090 Definitions.

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

A. "Apartment house" is any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of four or more families living independently of each other and doing their own cooking in the said building, and shall include flats and apartments.

B. "Hotel" is any building containing four or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests.

C. "Motel" shall mean hotel as defined in this section.

(Ord. 20121 § 1; passed May 21, 1974)

8.45.100 Penalties for violations.

Anyone violating or failing to comply with the provisions of this chapter shall be guilty of a misdemeanor. Upon conviction thereof, such person shall be punished by a fine of not more than $500.00 or by imprisonment in the Pierce County Jail for not more than six months, or by both such fine and imprisonment.

(Ord. 22600 § 48; passed Dec. 29, 1981: Ord. 20121 § 1; passed May 21, 1974)

8.45.110 Effective date.

This chapter shall take effect and be in force six months from and after its passage and approval.

(Ord. 20121 § 1; passed May 21, 1974)

CHAPTER 8.46
PROSTITUTION

Sections:

8.46.010 Prohibited acts of prostitution.
8.46.015 Patronizing a prostitute.
8.46.020 Chapter cumulative.
8.46.030 Severability.
8.46.040 Violation – Penalty.

8.46.010 Prohibited acts of prostitution.

It is unlawful to commit, or request or agree to commit, any sexual act (either heterosexual or homosexual) with any person in return for a fee; or

A. To secure or offer to secure another for the purpose of committing any such act; or

B. To loiter in or near any thoroughfare or place open to the public in a manner and under circumstances manifesting the purpose of inducing, enticing, soliciting, or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether such purpose is manifested: that such person is a known prostitute or panderer, repeatedly beckons to, stops, or attempts to stop, or engages male or female passers-by in conversation, or repeatedly stops or attempts to stop motor vehicles by hailing, waving of arms, or any other bodily gesture. For purposes of this subsection, a "known prostitute or panderer" is a person who has, within the knowledge of the arresting officer, been convicted of violating any ordinance or law of any jurisdiction within the State of Washington defining and punishing acts of soliciting, committing, or offering or agreeing to commit prostitution;

C. To transport any person to any place with the knowledge that it will facilitate the committing of any such act; or

D. To knowingly receive, offer or agree to receive any person into any place, building, or vehicle for the purpose of performing any such act, or to knowingly permit any person to remain there for the purpose of committing any such act; or

E. To direct any person to any place for the purpose of committing any such act, or to solicit the commission of any such act; or

F. To in any way aid, abet, or participate in the doing of any such act; or

G. To attempt to detect or identify a police officer for the purpose of attempting to avoid or escape criminal liability for violating, or attempting to violate this chapter, by any of the following means:

1. By exposing or offering to expose one’s genitals, pubic area, buttocks, or female breast.

2. By requesting, asking, or encouraging another to touch or fondle one’s genitals, pubic area, buttocks, or female breast directly or through the clothing.

3. By touching or requesting to touch another person’s genitals, pubic area, buttocks, or female breast directly or through the clothing.

4. By requesting, asking, or encouraging another to expose or show the other’s genitals, pubic area, buttocks, or female breast.

(Ord. 28002 Ex. A; passed Jul. 19, 2011: Ord. 23819 § 1; passed May 5, 1987: Ord. 20522 § 1; passed Aug. 19, 1975: Ord. 12513 § 1; passed Feb. 9, 1944)

8.46.015 Patronizing a prostitute.

A person is guilty of patronizing a prostitute if:

A. Pursuant to a prior understanding, he/she pays a fee to another person as compensation for such person or a third person having engaged in sexual conduct with him/her; or

B. He/she pays or agrees to pay a fee to another person pursuant to an understanding that in return therefor such person will engage in sexual conduct with him/her; or

C. He/she solicits or requests another person to engage in sexual conduct with him/her in return for a fee.

(Ord. 24054 § 1; passed Apr. 5, 1988)

8.46.020 Chapter cumulative.

The provisions of this chapter are intended as cumulative and selective, and shall not repeal any other ordinance involving the same subject matter.

(Ord. 12513 § 2; passed Feb. 9, 1944)

8.46.030 Severability.

If any provision of this chapter is held invalid, such invalidity shall not affect any other provision, or the application thereof, which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

(Ord. 12513 § 3; passed Feb. 9, 1944)

8.46.040 Violation – Penalty.

Anyone violating or failing to comply with any provisions of this chapter shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding 90 days, or by both such fine and imprisonment. Upon a first conviction, there shall be imposed a fine of not less than $750 and, upon a second or subsequent conviction, there shall be imposed a fine of not less than $1,000. These fines shall be in addition to any other penalty imposed.

(Ord. 27559 § 1; passed Dec. 5, 2006: Ord. 22600 § 49; passed Dec. 29, 1981: Ord. 12513 § 4; passed Feb. 9, 1944)

CHAPTER 8.48
REPEALED

SLOT AND PINBALL MACHINES

Repealed by Ord. 28362

(Repealed by Ord. 28362 Ex. A; passed Jun. 7, 2016: Ord. 22600 § 50; passed Dec. 29, 1981: Ord. 15600 § 4; passed May 14, 1956)

CHAPTER 8.49
SOLICITING MAGAZINE SUBSCRIPTIONS, ETC.

Sections:

8.49.010 Soliciting on street prohibited.
8.49.020 Violation – Penalty.

8.49.010 Soliciting on street prohibited.

No person shall, on any public street or sidewalk in the city, or in any area or doorway or entranceway immediately abutting thereon, solicit the purchase of any subscription to any magazine, periodical or other publication, or the purchase of any tangible personal property, for delivery at a subsequent time.

(Ord. 15579 § 1; passed Apr. 9, 1956)

8.49.020 Violation – Penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than $500.00, or by imprisonment in the Pierce County Jail for not more than six months, or by both such fine and imprisonment.

(Ord. 22600 § 51; passed Dec. 29, 1981: Ord. 15579 § 2; passed Apr. 9, 1956)

CHAPTER 8.50
REPEALED[1]

STAR SPANGLED BANNER

Repealed by Ord. 25594

(Ord. 25594 § 1; passed Oct. 4, 1994)

[1] Display of U.S. Flag - See Chapter 8.16.

CHAPTER 8.52
STREET CARS AND BUSES – SALE OF TRANSFERS – SMOKING

Sections:

8.52.010 Sale of transfers unlawful.
8.52.020 Unlawful transit conduct.

8.52.010 Sale of transfers unlawful.

No transfer ticket or written or printed instrument giving or purporting to give the right of transfer to any person from a public conveyance operated upon one line or route of a bus system to a public conveyance upon another line or route of the bus system of which such bus is a part, or from one bus to another upon the same line of said bus system, shall be issued, sold or given except to a person lawfully entitled thereto.

Any person who shall issue, sell or give away such a transfer ticket or instrument aforesaid to a person not lawfully entitled thereto, and any person not lawfully entitled thereto who shall receive with intent to use for passage, or who shall use or offer for passage any such transfer ticket or instrument, or shall sell or give away such transfer ticket or instrument to another with intent to have such transfer ticket used or offered for passage, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding $500.00 or by imprisonment in the Pierce County Jail for a period of not more than six months, or by both such fine and imprisonment.

(Ord. 22600 § 53; passed Dec. 29, 1981: Ord. 5806 §§ 1, 2; passed Jul. 1, 1914)

8.52.020 Unlawful transit conduct.

A. A person is guilty of unlawful transit conduct if, while on or in a municipal transit vehicle as defined by RCW 46.04.355 as now or hereafter amended or reenacted, or in or at a municipal transit station, he or she:

1. Smokes or carries a lighted or smoldering pipe, cigar, or cigarette, or uses an electronic smoking device, unless he or she is smoking or using the electronic smoking device in an area designated and authorized by the transit authority. For purposes of this subsection, "electronic smoking device" means an electronic or battery-operated device, the use of which resembles smoking, which can be used to deliver nicotine or other substances to the person inhaling from the device. The definition includes, but is not limited to, an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, and electronic hookah; or

2. Discards litter other than in designated receptacles; or

3. Plays any radio, recorder, or other sound-producing equipment, except that nothing herein shall prohibit the use of such equipment when connected to earphones which limit the sound to individual listeners or the use of a communication device by an employee of the owner or operator of the municipal transit vehicle or municipal transit station; or

4. Spits or expectorates; or

5. Carries any flammable liquid, explosive, acid, or other article or material likely to cause harm to others; except that nothing herein shall prevent a person from carrying a cigarette, cigar, or pipe lighter or carrying a firearm or ammunition in a way that is not otherwise prohibited by law; or

6. Consumes or is under the influence of any intoxicating beverage or illicit drug; or

7. Intentionally obstructs or impedes the flow of municipal transit vehicles or passenger traffic, intentionally hinders or prevents access to municipal transit vehicles or stations, or otherwise unlawfully interferes with the provision or use of public transportation services; or

8. Engages in loud, raucous, unruly, harmful, or harassing behavior that disturbs the peace, comfort, or repose of a reasonable person of normal sensibilities; or

9. Skates on roller skates or in-line skates, or rides in or upon or by any means a coaster, skateboard, toy vehicle, or any similar device; provided that a person may walk while wearing skates or carry a skateboard while on or in a municipal transit vehicle or in or at a municipal transit station if that conduct is not otherwise prohibited by law.

10. Engages in conduct not described in subsections 1 through 9 which is inconsistent with the intended use and purpose of the transit station or transit vehicle and refuses to obey the lawful command(s) of an agent of the transit authority or a peace officer to cease such conduct.

B. Municipal Transit Station Defined. For the purposes of this section, "municipal transit station" means all facilities, structures, stop shelters, lands, interest in lands, air rights over lands, and rights-of-way of all kinds that are owned, leased, held, or used by a public agency for the purpose of providing public transportation services.

C. Penalty. Any person violating this section is guilty of a misdemeanor. The penalty shall be a maximum fine of $1,000, incarceration for a term of 90 days, or both such fine and imprisonment.

D. Severability. If any provision of this section is held invalid, such invalidity shall not affect any other provision, or the application thereof, which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared severable.

(Ord. 28309 Ex. A; passed Aug. 3, 2015: Ord. 27712 Ex. A; passed May. 13, 2008: Ord. 25235 § 1; passed Dec. 22, 1992: Ord. 23658 § 1; passed Jul. 8, 1986)

CHAPTER 8.56
REPEALED[1]

TOBACCO

Repealed by Ord. 25198

(Ord. 25198 § 1; passed Nov. 10, 1992)

[1] Regulation of sale of tobacco products - See Chapter 5.15.

CHAPTER 8.58
UNIFORM OF ARMED SERVICES – WEARING

Sections:

8.58.010 Unauthorized wearing of uniform prohibited.
8.58.020 Violation – Penalty.

8.58.010 Unauthorized wearing of uniform prohibited.

It shall be unlawful for any person not an officer or enlisted man of the United States Army, Navy, Marine Corps or Coast Guard to wear the uniform thereof, or any distinctive part of such uniform, or a uniform any part of which is similar to a distinctive part of the duly prescribed uniform thereof; provided, that the foregoing provision shall not be construed to apply to any person authorized to wear such uniform by the laws of the United States, and in particular Section 125 of the National Defense Act as amended (10 USCA, Section 1393.)

(Ord. 11987 § 1; passed Apr. 30, 1941)

8.58.020 Violation – Penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding $500.00, or by imprisonment in the Pierce County Jail for a period not exceeding six months, or by both such fine and imprisonment.

(Ord. 22600 § 55; passed Dec. 29, 1981: Ord. 11987 § 2; passed Apr. 30, 1941)

CHAPTER 8.60
UNLAWFUL ASSEMBLY[1]

Sections:

8.60.010 Interference with free use of streets prohibited.
8.60.020 Failure to disperse upon police order.
8.60.030 Violation – Penalty.

8.60.010 Interference with free use of streets prohibited.

It shall be unlawful for any person, group or assemblage of persons to go upon, stand or congregate upon any public street or sidewalk in the City of Tacoma for the purpose of obstructing, preventing or otherwise interfering with the free and unobstructed use of such street or sidewalk by other persons.

(Ord. 11190 § 2; passed Jul. 15, 1935)

8.60.020 Failure to disperse upon police order.

It shall be unlawful for any person, group or assemblage of persons whose standing, remaining or being congregated upon any public street or sidewalk in the City of Tacoma shall obstruct, prevent or interfere with the free and unobstructed use of such street or sidewalk by other person, to fail or refuse to move on or disperse upon being ordered so to do by any police officer of the City of Tacoma or other peace officer.

(Ord. 11190 § 1; passed Jul. 15, 1935)

8.60.030 Violation – Penalty.

Any person violating the provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding $500.00, or by imprisonment in the Pierce County Jail for a period not exceeding six months, or both, in the discretion of the court.

(Ord. 22600 § 56; passed Dec. 29, 1981: Ord. 11190 § 3; passed Jul. 15, 1935)

[1] Held to be constitutional as reasonable exercise of police power. Tacoma v. Roe (1937) 190 W 444, 68 P 2d 1028; Tacoma v. Boyd (1937) 190 W 709, 68 P 2d 1030.

CHAPTER 8.62
USED CARS – EQUIPMENT

Sections:

8.62.010 Unlawful to sell with improper equipment.
8.62.020 Standard requirements.
8.62.030 Violation – Penalties.

8.62.010 Unlawful to sell with improper equipment.

It shall be unlawful for any person, firm or corporation to sell a used or secondhand motor vehicle for use on the public highways unless such motor vehicle shall have proper brakes, lights, horn and rear view mirror and be equipped with suitable tires.

(Ord. 11315 § 1; passed Jul. 29, 1936)

8.62.020 Standard requirements.

Proper brakes, lights, horn and rear view mirror shall be held to mean such brakes, lights, horn and rear view mirror as will comply with the requirements of the Motor Vehicle Code of the State of Washington.

(Ord. 11315 § 2; passed Jul. 29, 1936)

8.62.030 Violation – Penalties.

Any person, firm or corporation who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be fined in any sum not exceeding $500.00, or be imprisoned in the Pierce County Jail for a period not to exceed six months, or both, in the discretion of the court.

(Ord. 22600 § 57; passed Dec. 29, 1981: Ord. 11315 § 3; passed Jul. 29, 1936)

CHAPTER 8.64
VOTING – SOLICITING NEAR POLLS

Sections:

8.64.010 Soliciting defined and prohibited.
8.64.020 Distance from polls.
8.64.030 Violation – Penalty.
8.64.040 Posting copy of chapter.

8.64.010 Soliciting defined and prohibited.

During the hours when any general or special city election is being held in the City of Tacoma, no person shall, within any premises being used as a polling place, or upon any street, alley or public place within 100 feet of any entrance to such premises, solicit or request any elector to vote either for or against any candidate at such election, or for or against any measure being submitted to vote at such election, or carry on any argument with any such elector for or against such candidate or measure, or deliver or offer to deliver to any such elector any card, paper, pamphlet, or other printed matter intended to favor or oppose any such candidate or measure; or ask or inquire of any elector for whom he intends to vote at such election or whether he intends to vote for or against any measure submitted; or (except election officers requested to assist an elector prepare his ballot), ask or attempt to inspect the ballot of any elector before it is cast; or present to any other person for signature or examination any initiative, referendum or recall petition authorized by any state law, or city charter, or ordinance, or any petition for any other purpose; or leave or exhibit any such petition in such polling place for signatures; or loiter in or about the room occupied by the election officers; or indulge in any boisterous or acrimonious conduct or discussion therein; or in any manner interfere with the orderly conduct of the election by the election officers.

(Ord. 5723 § 1; passed Apr. 15, 1914.

8.64.020 Distance from polls.

No person shall present any such initiative, referendum or recall petition, or petition for any other political purpose, to any person for signature or examination, within the City Hall, or within 100 feet of any entrance thereto; or within, or within 100 feet of the entrance to, any premises where the registration of electors is being carried on.

(Ord. 5723 § 2; passed Apr. 15, 1914)

8.64.030 Violation – Penalty.

Every person convicted of violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not exceeding $500.00 or be imprisoned in the Pierce County Jail for not more than six months, or may be both so fined and imprisoned.

(Ord. 22600 § 58; passed Dec. 29, 1981: Ord. 5723 § 3; passed Apr. 15, 1914)

8.64.040 Posting copy of chapter.

The Inspector at each election precinct voting place shall post a copy of this chapter, to be furnished by the City Clerk, at the entrance thereto, and shall have authority to enforce the provisions of Section 8.64.010 hereof, and may arrest and detain any person violating the provisions of that section, and deliver him or her into the custody of the police for bail or trial.

(Ord. 5723 § 4; passed Apr. 15, 1914)

CHAPTER 8.66
WEAPONS

Sections:

8.66.010 Definitions.
8.66.020 *Repealed.*
8.66.030 *Repealed.*
8.66.040 *Repealed.*
8.66.050 *Repealed.*
8.66.060 *Repealed.*
8.66.070 *Repealed.*
8.66.080 Unlawful use of weapons.
8.66.090 Exemptions – Dangerous knives.
8.66.100 *Repealed.*
8.66.110 *Repealed.*
8.66.120 Discharging air guns and slingshots prohibited – Exception.
8.66.130 Air guns and slingshots – Parents permitting use.
8.66.140 Air guns and slingshots – Confiscation.
8.66.150 Violation – Penalty.
8.66.160 *Repealed.*
8.66.170 *Repealed.*

8.66.010 Definitions.

The following definitions apply to this chapter:

A. "Ball flail" means any device consisting of a ball, with or without spikes, attached by a chain, rope, strap, or similar method, to a handle and which can be used for striking.

B. "Blade" has its usual and ordinary meaning and includes the shank.

C. "Dangerous knife" means any knife having a blade more than three and one-half inches in length or any dagger, sword, bayonet, bolo knife, hatchet, straight-edge razor, or razor blade not in its package, dispenser, or shaving appliance.

D. "Deadly weapon" is an instrument capable of being used offensively or defensively and likely to cause death or serious bodily harm.

E. "Fighting knife" means:

1. Any knife with a handle or guard with spikes, serrations, sharp edges, or metal knuckles;

2. Any knife that is designed for fighting or self-defense and utilizes two or more blades at once;

3. A balisong knife. "Balisong knife" means a single- or double-edged blade knife which has a two-piece handle. The two halves of the handle sheathe the blade when it is in the closed position. In the open position, the two halves of the handle form a haft. A balisong knife is also known as a butterfly knife.

4. A disguised knife. "Disguised knife" means any knife, blade, or pointed tool encased in or disguised as a writing pen or any knife, blade, or pointed tool encased in or disguised as a cane.

5. Any knife which opens automatically when pulled from its sheath.

6. Any knife or device which consists of three or more blades radiating from a central hub or handle.

7. A ballistic knife. "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.

F. "Martial arts weapon" includes, but is not limited to, the following devices in common usage in what is known as the martial arts or arts of self-defense: Nuchaku (chako sticks), consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means; throwing stars, which are multi-pointed, metal objects designed to embed upon impact from any aspect; ninja chains; sai; tonfa; three section staffs; spike balls; telescopic metal stick (telescopic police baton); jutte; and kama.

G. "Slung shot" means a metal ball or metal shot or similar substance encased in leather or other material with a cord or strap attached for swinging.

H. "Switchblade knife" means any knife having a blade that opens automatically by hand pressure applied to a button, spring mechanism, or other device, or a blade that opens, falls, or is ejected into position by force of gravity or by an outward, downward, or centrifugal thrust or movement.

(Ord. 28433 Ex. A; passed Jun. 27, 2017: Ord. 27506 § 1; passed Jul 25, 2006: Ord. 25907 § 1; passed May 28, 1996: Ord. 25526 § 1; passed Jun. 21, 1994)

8.66.020 Students carrying dangerous weapons on school premises – Penalty – Exceptions. *Repealed by Ord. 27506.*

(Ord. 27506 § 4; passed Jul. 25, 2006: Ord. 25526 § 2; passed Jun. 21, 1994)

8.66.030 Firearms prohibited in certain places – Local laws and ordinances – Exceptions – Penalty. *Repealed by Ord. 27506.*

(Ord. 27506 § 5; passed Jul. 25, 2006: Ord. 25526 § 3; passed Jun. 21, 1994)

8.66.040 False statement to obtain pistol permits. *Repealed by Ord. 27506.*

(Ord. 27506 § 6; passed Jul. 25, 2006: Ord. 24614 § 5; passed Apr. 17, 1990: Ord. 22600 § 59; passed Dec. 29, 1981)

8.66.050 Unlawful sale of pistol. *Repealed by Ord. 24614.*

(Ord. 24614 § 6; passed Apr. 17, 1990: Ord. 22600 § 59; passed Dec. 29, 1981)

8.66.060 Unlawful delivery to purchaser. *Repealed by Ord. 24614.*

(Ord. 24614 § 6; passed Apr. 17, 1990: Ord. 22600 § 59; passed Dec. 29, 1981)

8.66.070 Unlawful purchases – False statements. *Repealed by Ord. 24614.*

(Ord. 24614 § 6; passed Apr. 17, 1990: Ord. 22600 § 59; passed Dec. 29, 1981)

8.66.080 Unlawful use of weapons.

A. Violations. It is unlawful for a person:

1. To sell, manufacture, purchase, possess, or carry any blackjack, sandclub, slungshot, metal knuckles, switchblade knife, fighting knife, martial arts weapon, or ball flail; or

2. Except as otherwise provided in Section 8.66.090 hereof, to carry on his or her person or in any vehicle any dangerous knife or deadly weapon; or to sell or give away to any person under 18 years of age any dangerous knife or deadly weapon; or for any such person to purchase or possess any such dangerous knife or deadly weapon.

3. Exceptions. The prohibitions contained in this section on police batons shall not apply to any law enforcement officer or corrections officer while in the performance of his or her official duties, to any animal control officer while in the performance of his or her official duties, or to any military personnel while in the performance of his or her duties.

4. Penalties. Any violation of this section is a gross misdemeanor. Any person convicted of violating this section shall be guilty of a gross misdemeanor and subject to a maximum penalty of $5,000 or one year in jail, or both such fine and imprisonment.

5. Should any subsection, paragraph, sentence, clause, or phrase of this section, or its application to any person or situation, be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this section or its application to any other person or situation. The City Council of the City of Tacoma hereby declares that it would have adopted this section, and each subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

(Ord. 28433 Ex. A; passed Jun. 27, 2017: Ord. 27506 § 2; passed Jul. 25, 2006: Ord. 26167 § 1; passed Jan. 13, 1998: Ord. 25907 § 2; passed May 28, 1996: Ord. 25526 § 4; passed Jun. 21, 1994)

8.66.090 Exemptions – Dangerous knives.

The proscriptions of Section 8.66.080.A.2, relating to dangerous knives, shall not apply to:

A. Individual licensed hunters, boaters, fishermen, and scuba divers while on a hunting, camping, boating, fishing, or scuba-diving trip; or

B. Any person carrying such knife in a secure wrapper or in a tool box while traveling from or to the place of purchase or a place of repair, from or to such person's home or place of business, or in moving from one place of abode or business to another, or while in such person's place of abode or fixed place of business; or

C. Any person who, by virtue of his or her public office or public employment, is vested by law with a duty to preserve public safety, maintain public order, or to make arrests for offenses while in the performance of such duty; or

D. Any person engaged in military activities sponsored by the federal or state governments; or

E. Any person, while in his or her place of abode or fixed place of business, except that this subsection is not a defense to selling or giving away any dangerous knife or deadly weapon to any person under 18 years of age.

(Ord. 27506 § 3; passed Jul. 25, 2006: Ord. 25526 § 5; passed Jun. 21, 1994)

8.66.100 Exception to restrictions on carrying pistols. *Repealed by Ord. 27506.*

(Ord. 27506 § 7; passed Jul. 25, 2006: Ord. 25907 § 3; passed May 28, 1996: Ord. 25526 § 6; passed Jun. 21, 1994)

8.66.110 Destruction by court order. *Repealed by Ord. 27506.*

(Ord. 27506 § 8; passed Jul. 25, 2006: Ord. 25526 § 7; passed Jun. 21, 1994)

8.66.120 Discharging air guns and slingshots prohibited – Exception.

It is unlawful for any person to shoot or discharge any air gun, air rifle, B-B gun, or slingshot in the City of Tacoma, except that a person may shoot or discharge any air gun, air rifle, or B-B gun for recreational purposes in a licensed indoor business facility designed and operated for such purposes, where the shooting or discharging will not endanger any person or property or create a nuisance for the public or any adjacent property owner.

(Ord. 28321 Ex. A; passed Sept. 29, 2015: Ord. 22600 § 59; passed Dec. 29, 1981)

8.66.130 Air guns and slingshots – Parents permitting use.

It is unlawful for the parent or guardian of any child under the age of 18 years to knowingly permit such child to discharge any air gun, air rifle, B-B gun, or slingshot in the City of Tacoma, except as provided in Section 8.66.120.

(Ord. 28321 Ex. A; passed Sept. 29, 2015: Ord. 22600 § 59; passed Dec. 29, 1981)

8.66.140 Air guns and slingshots – Confiscation.

Whenever any person shall be convicted of violating any of the provisions of Section 8.66.120 of this chapter, the air gun, air rifle, BB gun, or slingshot so discharged shall be confiscated and ordered destroyed by the Municipal Court of the City of Tacoma.

(Ord. 28321 Ex. A; passed Sept. 29, 2015: Ord. 22600 § 59; passed Dec. 29, 1981)

8.66.150 Violation – Penalty.

Every person convicted of violating any of the provisions of this chapter, except as otherwise provided, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be fined in a sum not exceeding $1,000.00 or imprisoned for a term not exceeding 90 days, or both so fined and imprisoned.

(Ord. 24614 § 9; passed Apr. 17, 1990: Ord. 24295 § 2; passed Jan. 31, 1989: Ord. 22600 § 59; passed Dec. 29, 1981)

8.66.160 Loaded rifles in vehicles. *Repealed by Ord. 27506.*

(Ord. 27506 § 9; passed Jul. 25, 2006: Ord. 24295 § 3; passed Jan. 31, 1989)

8.66.170 Exemptions – Rifles. *Repealed by Ord. 27506.*

(Ord. 27506 § 10; passed Jul. 25, 2006: Ord. 24295 § 4; passed Jan. 31, 1989)

CHAPTER 8.67
FIREARMS

Sections:

8.67.010 Statutes adopted by reference.
8.67.020 Possession of firearms prohibited in publicly owned stadiums and convention centers.

8.67.010 Statutes adopted by reference.

The following statutes, including all future amendments, additions, or deletions, are adopted by reference:

RCW:

9.41.010 Terms defined.
9.41.050 Carrying pistol.
9.41.060 Exception to restriction on carrying pistol.
9.41.070 Concealed pistol license – Application – Fee – Renewal.
9.41.075 Concealed pistol license – Revocation.
9.41.090 Dealer deliveries regulated – Hold on delivery.
9.41.094 Waiver of confidentiality.
9.41.0975 Officials and agencies – Immunity, writ of mandamus.
9.41.098 Forfeiture of firearms, order by courts – Return to owner – Confiscation by law enforcement officer.
9.41.100 Dealers to be licensed.
9.41.120 Firearms as loan security.
9.41.140 Alteration of identifying marks – Exceptions.
9.41.170 Alien's license to carry firearms – Exceptions.
9.41.220 Unlawful firearms and parts contraband.
9.41.230 Aiming or discharging firearms.
9.41.240 Possession of pistol by person from eighteen to twenty-one.
9.41.250 Dangerous weapons – Evidence – Penalty (subsection (1) is NOT adopted).
9.41.260 Dangerous exhibitions.
9.41.270 Weapons apparently capable of producing bodily harm, carrying, exhibiting, displaying or drawing unlawful – Penalty – Exceptions.
9.41.280 Possessing dangerous weapons on school facilities – Penalty – Exceptions (subsection (4) is NOT adopted).
9.41.300 Weapons prohibited in certain places – Local laws and ordinances – Exceptions – Penalty.
9.41.800 Surrender of weapons or licenses – Prohibition on future possession or licensing.
9.41.810 Penalty.
70.74.010 Definitions – Washington State Explosives Act.
70.74.295 Abandonment of explosives.
70.74.310 Gas bombs, explosives, stink bombs, etc.
77.15.460 Loaded firearm in vehicle – Unlawful use or possession – Penalty.

(Ord. 27506 § 12; passed Jul. 25, 2006)

8.67.020 Possession of firearms prohibited in publicly owned stadiums and convention centers.

It is unlawful for any person to enter any municipally or county-owned stadium or convention center located within the City of Tacoma when he or she knowingly possesses or knowingly has under his or her control a weapon, except that such restrictions shall not apply to:

A. Any pistol in the possession of a person licensed under RCW 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or

B. Any showing, demonstration, or lecture involving the exhibition of firearms.

Violation of this section is a misdemeanor. Any person convicted of violating this section shall be guilty of a misdemeanor and subject to a maximum penalty of a $1,000 fine or 90 days in jail, or both such fine and imprisonment.

(Ord. 27506 § 12; passed Jul. 25, 2006)

CHAPTER 8.70
MUNICIPAL COURT JURISDICTION[1]

Sections:

8.70.010 Jurisdiction of Municipal Court.
8.70.020 Suspension of sentence – Terms.
8.70.030 Deferral of sentence, probation – Withdrawal of plea and dismissal of charges.
8.70.040 Revocation of deferral or suspension – Limitations.

8.70.010 Jurisdiction of Municipal Court.

The Municipal Court of the City of Tacoma, in addition to powers retained under Chapters 3.30 through 3.74 RCW as now or hereafter amended, shall have jurisdiction over all offenses defined by any ordinance of the City, and all other actions brought to enforce or recover any license, penalty, or forfeiture declared or given by any such ordinance, and full power to forfeit bail bonds and issue execution thereon, and full power to forfeit cash bail, and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinance, and pronounce judgment in accordance therewith, and full power to issue all warrants and processes necessary to effectuate the ordinances of the City. The Municipal Court shall have jurisdiction to impose a fine or imprisonment, or both such fine and imprisonment, in all cases where such penalty shall be prescribed by ordinance; provided that the Municipal Court shall in no event impose a greater punishment than a fine of $5,000.00 or imprisonment for one year, or both such fine and imprisonment, unless otherwise expressly provided by statute; and it may suspend and revoke vehicle operators' licenses in the cases provided by law; provided, however, that jurisdiction to determine or review civil penalties under the Code of Ethics in Chapter 1.46, the sewage disposal and drainage regulation ordinance in Chapter 12.08, and the solid waste ordinance in Chapter 12.09 of the Official Code of the City of Tacoma shall reside first in the Hearing Examiner until an appeal in the form of a trial de novo is filed with the Municipal Court.

(Ord. 25619 § 1; passed Nov. 1, 1994: Ord. 25584 § 1; passed Oct. 11, 1994: Ord. 25546 § 1; passed Aug. 2, 1994: Ord. 25481 § 2; passed May 3, 1994: Ord. 22600 § 60; passed Dec. 29, 1981: Ord. 19223 § 1; passed Nov. 4, 1970)

8.70.020 Suspension of sentence – Terms.

The court shall have continuing jurisdiction and authority to suspend the execution of all or any part of its sentence upon stated terms, including installment payment of fines, for a period not to exceed two years after imposition of sentence, unless a different time period is expressly provided by state law.

(Ord. 28018 Ex. A; passed Sept. 27, 2011: Ord. 25545 § 1; passed Aug. 2, 1994: Ord. 19223 § 1; passed Nov. 4, 1970)

8.70.030 Deferral of sentence, probation – Withdrawal of plea and dismissal of charges.

After a conviction, the court may defer sentencing the defendant and place him/her on probation and prescribe the conditions thereof, but in no case shall it extend for more than two years from the date of conviction. During the time of the deferral, the court may, for good cause shown, permit a defendant to withdraw his plea of guilty, permit him to enter a plea of not guilty, and dismiss the charges against him.

(Ord. 24020 § 7; passed Jan. 26, 1988: Ord. 19223 § 1; passed Nov. 4, 1970)

8.70.040 Revocation of deferral or suspension – Limitations.

Deferral of sentence and suspension of execution of sentence may be revoked if the defendant violates or fails to carry out any of the conditions of the deferral or suspension. Upon the revocation of the deferral or suspension, the court may impose the sentence previously suspended or any unexecuted portion thereof. In no case shall the court impose a sentence greater than the original sentence, with credit given for time served and money paid on fine and costs.

(Ord. 19223 § 1; passed Nov. 4, 1970.)

[1] Prior legislation: Ordinance 16094. For the statutory provisions regarding municipal courts, see Chapter 7.30 RCW et seq.

CHAPTER 8.72
DRUG-RELATED LOITERING

Sections:

8.72.005 Enforcement priority.
8.72.010 Loitering with the intent of engaging in drug-related activity.
8.72.020 Chapter cumulative.
8.72.030 Severability.
8.72.040 Violation – Penalty.

8.72.005 Enforcement priority.

The police chief and city attorney shall make the investigation, arrest, and prosecution of cannabis (a/k/a "marijuana") offenses the lowest enforcement priority, as this term may be defined in their policies and procedures manuals, for adult personal use.

(City of Tacoma Initiative 1; General Election Nov. 8, 2011)

8.72.010 Loitering with the intent of engaging in drug-related activity.

A. It is unlawful for any person to loiter in or near any thoroughfare, place open to the public, or near any public or private place in a manner and under circumstances manifesting the intent to engage in drug-related activity contrary to any of the provisions of Chapters 69.41, 69.50, or 69.52 RCW.

B. Among the circumstances which may be considered in determining whether such intent is manifested are:

1. Such person is a known unlawful drug user, possessor, or seller. For purposes of this chapter, a "known unlawful drug user, possessor, or seller" is a person who has been convicted in any court within this state of any violation involving the use, possession, or sale of any of the substances referred to in Chapters 69.41, 69.50, and 69.52 RCW, or substantially similar laws of any political subdivision of this state or of any other state; or a person who displays physical characteristics of drug intoxication or usage, such as "needle tracks"; or a person who possesses drug paraphernalia as defined in Section 8.29 of the Official Code of the City of Tacoma;

2. Such person is currently subject to an order prohibiting his/her presence in a high drug activity geographic area;

3. Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is then engaged in an unlawful drug-related activity, including by way of example only, such person acting as a "lookout";

4. Such person is physically identified by the officer as a member of a "gang," or association which has as its purpose illegal drug activity;

5. Such person transfers small objects or packages for currency in a furtive fashion;

6. Such person takes flight upon the appearance of a police officer;

7. Such person manifestly endeavors to conceal himself or herself or any object which reasonably could be involved in an unlawful drug-related activity;

8. The area involved is by public repute known to be an area of unlawful drug use and trafficking;

9. The premises involved are known to have been reported to law enforcement as a place suspected of drug activity pursuant to Chapter 69.52 RCW;

10. Any vehicle involved is registered to a known unlawful drug user, possessor, or seller, or a person for whom there is an outstanding warrant for a crime involving drug-related activity.

(Ord. 26044 § 1; passed Mar. 11, 1997: Ord. 24167 § 1; passed Aug. 16, 1988)

8.72.020 Chapter cumulative.

The provisions of this chapter are intended as cumulative and selective, and shall not repeal any other ordinance involving the same subject matter.

(Ord. 24167 § 1; passed Aug. 16, 1988)

8.72.030 Severability.

If any provision of this chapter is held invalid, such invalidity shall not affect any other provision, or the application thereof, which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

(Ord. 24167 § 1; passed Aug. 16, 1988)

8.72.040 Violation – Penalty.

Any person who violates the provisions of this chapter is guilty of a gross misdemeanor and, upon conviction, shall be imprisoned for up to one year and be subject to a fine of not more than $5,000.00.

(Ord. 26044 § 2; passed Mar. 11, 1997: Ord. 24167 § 1; passed Aug. 16, 1988)

Chapter 8.74

TELEPHONE HARASSMENT AND CYBERSTALKING

Repealed and reenacted by Ord. 28231[1]

Sections:

8.74.010 Telephone harassment and cyberstalking.

8.74.010 Telephone harassment and cyberstalking.

RCW Sections 9.61.230, 9.61.240, 9.61.250, and 9.61.260, as now enacted or hereinafter amended, are hereby adopted by reference as if fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is excluded.

(Repealed and reenacted by Ord. 28231 Ex. A; passed Jul. 8, 2014)

[1] Previous legislation: Ord. 27188 §§ 1-3; passed Jan. 20, 2004: Ord. 24281 § 1; passed Jan. 24, 1989

CHAPTER 8.75
DETERMINATION OF INDIGENCY FOR LEGAL COUNSEL

Sections:

8.75.010 Affidavit required.
8.75.020 False statements unlawful.

8.75.010 Affidavit required.

Upon a preliminary finding of indigence by a judge of the Municipal Court of the City of Tacoma a defendant, before receiving free legal counsel from the Tacoma-Pierce County Department of Assigned Counsel, shall be required to complete an affidavit provided by that department attesting to the financial worth of the defendant, to determine whether the defendant is indigent and without sufficient funds to obtain private counsel.

(Ord. 23083 § 1; passed Dec. 20, 1983)

8.75.020 False statements unlawful.

Any person knowingly making false statements in the affidavit provided for under Section 8.75.010 hereof to obtain legal services without cost shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined in a sum not exceeding $500.00 or imprisoned in the Pierce County Jail for a term not exceeding 180 days, or both so fined and imprisoned.

(Ord. 23083 § 1; passed Dec. 20, 1983)

CHAPTER 8.76
ASSAULT IN THE FOURTH DEGREE

Sections:

8.76.010 Assault in the Fourth Degree.

8.76.010 Assault in the Fourth Degree.

RCW 9A.36.041, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties.

(Ord. 28231 Ex. A; passed Jul. 8, 2014)

CHAPTER 8.77
CRIMINAL MISTREATMENT

Sections:

8.77.010 Criminal mistreatment.

8.77.010 Criminal mistreatment.

Chapter 9A.42 RCW, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is excluded.

(Ord. 28231 Ex. A; passed Jul. 8, 2014)

CHAPTER 8.78
RECKLESS ENDANGERMENT

Sections:

8.78.010 Reckless endangerment.

8.78.010 Reckless endangerment.

RCW 9A.36.050, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties.

(Ord. 28231 Ex. A; passed Jul. 8, 2014)

CHAPTER 8.79
COERCION

Sections:

8.79.010 Coercion.

8.79.010 Coercion.

RCW 9A.36.070, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties.

(Ord. 28231 Ex. A; passed Jul. 8, 2014)

CHAPTER 8.80
HARASSMENT

Sections:

8.80.010 Harassment.

8.80.010 Harassment.

Chapter 9A.46 RCW, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is excluded.

(Ord. 28231 Ex. A; passed Jul. 8, 2014)

CHAPTER 8.81
JENNIFER PAULSON STALKING PROTECTION ORDER ACT

Sections:

8.81.010 Jennifer Paulson Stalking Protection Order Act.

8.81.010 Jennifer Paulson Stalking Protection Order Act.

Chapter 7.92 RCW, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties.

(Ord. 28231 Ex. A; passed Jul. 8, 2014)

CHAPTER 8.82
INTERFERING WITH THE REPORTING OF DOMESTIC VIOLENCE

Sections:

8.82.010 Interfering with the reporting of domestic violence.

8.82.010 Interfering with the reporting of domestic violence.

RCW 9A.36.150, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties.

(Ord. 28231 Ex. A; passed Jul. 8, 2014)

CHAPTER 8.83
FAILING TO SUMMON ASSISTANCE

Sections:

8.83.010 Failing to summon assistance.

8.83.010 Failing to summon assistance.

RCW Sections 9A.36.160 and 9A.36.161, as now enacted or hereinafter amended, are hereby adopted by reference as if fully set forth herein, including penalties.

(Ord. 28231 Ex. A; passed Jul. 8, 2014)

CHAPTER 8.84
SEXUAL ASSAULT PROTECTION ORDER ACT

Sections:

8.84.010 Sexual Assault Protection Order Act.

8.84.010 Sexual Assault Protection Order Act.

Chapter 7.90 RCW, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties.

(Ord. 28231 Ex. A; passed Jul. 8, 2014)

CHAPTER 8.85
ESCAPING FROM JAIL

Sections:

8.85.010 Escape from jail.
8.85.020 Freeing or aiding escape from custody.
8.85.030 Escape defined.
8.85.040 Violation – Penalty.

8.85.010 Escape from jail.

It is unlawful, with or without the use of force or fraud, to escape or to attempt to escape from confinement or custody in the county jail or any penal, correctional or custodial institution, or from lawful custody of or restraint by any peace officer within the City of Tacoma.

(Ord. 18821 § 1; passed May 14, 1969)

8.85.020 Freeing or aiding escape from custody.

It is unlawful for any person to free or remove or attempt to free or remove any person from the custody of any member of the police force of the City of Tacoma or from any other peace officer legally having him in custody, or to aid or attempt to aid the escape of any person from any such custody or from any county jail, or to advise or encourage any such escape.

(Ord. 18821 § 1; passed May 14, 1969)

8.85.030 Escape defined.

Any unauthorized absence from custody, confinement or control accomplished by any voluntary act or omission.

(Ord. 18821 § 1; passed May 14, 1969)

8.85.040 Violation – Penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding $500.00 or by imprisonment in the Pierce County Jail for a period not exceeding six months, or by both such fine and imprisonment.

(Ord. 22600 § 61; passed Dec. 9, 1981: Ord. 18821 § 1; passed May 14, 1969)

CHAPTER 8.90
REPEALED

OBSTRUCTING JUSTICE
Repealed by Ord. 25593

(Ord. 25593 § 1; passed Oct. 4, 1994)

CHAPTER 8.92
REPEALED

FURNISHING CONTRABAND TO PRISONERS

Repealed by Ord. 25601

(Ord. 25601 § 1, passed Oct. 11, 1994)

CHAPTER 8.94
INJURING FIRE EQUIPMENT – FALSE ALARMS

Sections:

8.94.010 Malicious damage to fire alarm apparatus – False alarms.
8.94.020 Penalty.

8.94.010 Malicious damage to fire alarm apparatus – False alarms.

Any person who willfully and maliciously tampers with, molests, injures or breaks any public or private fire alarm apparatus, emergency phone, radio, or other wire or signal, or any fire fighting equipment, or who willfully and maliciously, or without having reasonable grounds for believing a fire exists, sends, gives, transmits, or sounds any false alarm of fire, by shouting in a public place or by means of any public or private fire alarm system or signal, or by telephone, is guilty of a misdemeanor. This provision shall not prohibit the testing of fire alarm systems by persons authorized to do so, by a fire department or state fire marshal official.

(Ord. 18376 § 1; passed Aug. 29, 1967)

8.94.020 Penalty.

Any person violating the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not exceeding $500.00 or imprisoned in the Pierce County Jail for a term not exceeding six months, or both so fined and imprisoned.

(Ord. 22600 § 64; passed Dec. 29, 1981: Ord. 18562 § 1; passed Apr. 23, 1968)

CHAPTER 8.96
CIVIL EMERGENCY

Sections:

8.96.010 Definitions.
8.96.020 Proclamation by Mayor.
8.96.030 Mayor authorized to issue orders.
8.96.040 Termination of proclamation.
8.96.050 *Repealed*.
8.96.060 Violation of orders or regulations unlawful.
8.96.070 Interference with police or fire officials unlawful.
8.96.080 Unlawful to engage or participate in riot.
8.96.090 Unlawful to participate or engage in unlawful assembly.
8.96.100 Looting prohibited.
8.96.110 Penalties.
8.96.120 Severability.

8.96.010 Definitions.

For the purposes of this chapter the terms listed below shall have the following meanings:

A. A "civil emergency" is defined to be any natural disaster or man-made calamity, including flood, conflagration, cyclone, tornado, earthquake, or explosion within the corporate limits of the City of Tacoma, resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety, and welfare.

B. "Curfew" is hereby defined as a prohibition against any person or persons walking, running, loitering, standing, traveling, or motoring upon any alley, street, highway, public property or places open to the public, or vacant premises within the corporate limits of the City of Tacoma, excepting persons officially designated to duty with reference to said riot, unlawful assembly or civil emergency.

C. "Incendiary object" shall mean a gasoline or other incendiary-type liquid or substance filled bottle or container with a fuse-type wick inserted in the neck thereof (commonly used in World War II), or any other type of incendiary bomb or contrivance utilizing any bottle or container filled with any inflammable liquid or chemical or combination thereof susceptible to spontaneous ignition.

D. A "riot" means the use of actual force or violence by three or more persons acting together without authority of law where the use of such force or violence would endanger or tend to endanger the safety of property or persons.

E. "Unlawful assembly" means any threat, actual or implied, to use force or violence when accompanied by immediate power to execute such force or violence by three or more persons acting together without authority of law and where the threat to use the same would endanger or tend to endanger the safety of property or persons.

(Ord. 18561 § 1; passed Apr. 30, 1968)

8.96.020 Proclamation by Mayor.

Whenever the Mayor, or in the event of his inability to act the Deputy Mayor, or in the event of his inability to act any other member of the City Council acting for and instead of the Mayor, determines that an emergency exists arising out of a riot or unlawful assembly, or a civil emergency, causing or tending to cause danger of injury to persons or damage to property, he shall forthwith proclaim in writing the existence of such state of emergency, file a copy thereof in the office of the City Clerk, immediately advise all news media within the City of Tacoma of the signing of the proclamation and the contents thereof, and post copies of the proclamation at such public places as designated by the Mayor.

(Ord. 18561 § 1; passed Apr. 30, 1968)

8.96.030 Mayor authorized to issue orders.

After the issuance of a written proclamation of a state of emergency, the Mayor of the City of Tacoma, or the representative of the Mayor duly authorized to act for him as provided in Section 8.96.020, may in the interest of public safety and welfare make any or all of the following orders:

A. Order the closing of all cocktail lounges, taverns, bars, and other places where intoxicating liquors are sold or dispensed by the drink, including all private clubs.

B. Order the discontinuance of the sale of all beer and wine and hard liquor, which orders, however, shall be subject to the laws of the State of Washington acting by and through the Washington State Liquor Control Board.

C. Prohibit the sale, distribution, or giving away of gasoline or other liquid flammable or combustible products or, in his discretion, prevent all sales thereof except sales transferred directly to a gasoline tank properly affixed to a motor vehicle, or in case of heating oil or liquefied gas into commercial or household tanks.

D. Order the closing of all gasoline stations and other establishments the chief activity of which is the sale, distribution, or dispensing of liquid flammable or combustible products, except for the distribution of heating oil and liquefied gas as herein in this section provided for in subsection C.

E. Order the discontinuance of selling, distributing, dispensing, or giving away of any firearms or ammunition of any character whatsoever.

F. Order the closing of all establishments, portions, or departments thereof, the chief activity of which is the sale, distribution, dispensing, or giving away of firearms and/or ammunition.

G. Prohibit any person or persons from carrying or possessing upon any street, alley, highway, or public place within the City of Tacoma any firearms, knives, clubs, rocks, bricks, or other weapons, objects or contrivances susceptible for use in causing injury to persons or damage to property.

H. Order or impose a curfew upon all citizens of the City of Tacoma, or upon citizens of certain ages within the City of Tacoma, or order a curfew applicable to such geographical areas of the city or to the city as a whole as he may deem advisable, applicable during such hours of the day or night as he deems necessary in the interest of public safety and welfare, during the hours of which no person shall be allowed in the public streets, thoroughfares or places open to the public throughout the City of Tacoma or in any duty with reference to lawful assembly, civil or emergency.

I. Order or designate any one or more of the public streets, thoroughfares, or places within the City of Tacoma closed to vehicular traffic and/or pedestrian traffic.

(Ord. 18561 § 1; passed Apr. 30, 1968)

8.96.040 Termination of proclamation.

After the issuance of a written proclamation of a state of emergency as provided for in Section 8.96.020 of this chapter, the Mayor, or in the event of his inability to act, a majority of the Council, which may include the Mayor, may terminate, modify, or amend at any time such proclamation by written declaration thereof. A copy of such declaration shall be filed in the office of the City Clerk and notice thereof shall be given as in the case of the issuance of the proclamation of emergency as set forth in Section 8.96.020 of this chapter.

(Ord. 18839 § 1; passed Jun. 3, 1969: Ord. 18561 § 1; passed Apr. 30, 1968)

8.96.050 Incendiary objects prohibited. *Repealed by Ord. 25905*

(Ord. 25905 § 1; passed May 28, 1996: Ord. 18561 § 1; passed Apr. 30, 1968)

8.96.060 Violation of orders or regulations unlawful.

It is unlawful for any person to violate or refuse to comply with any lawful order or regulation promulgated by the Mayor or other officer of the City of Tacoma pursuant to Section 8.96.030 hereof.

(Ord. 18561 § 1; passed Apr. 30, 1968)

8.96.070 Interference with police or fire officials unlawful.

It is unlawful for any person to interfere with any police or fire official, or other public officer or employee when engaged in the performance of official duty, or to permit or assemble for the purpose of committing any act which would interfere with such officials and persons in the performance of their duty or under their direction.

(Ord. 18561 § 1; passed Apr. 30, 1968)

8.96.080 Unlawful to engage or participate in riot.

It is unlawful for any person to participate in or engage in any riot.

(Ord. 18561 § 1; passed Apr. 30, 1968)

8.96.090 Unlawful to participate or engage in unlawful assembly.

It is unlawful for any person to engage or participate in any unlawful assembly after the police by announcement had warned and ordered such assembly to disperse and disband.

(Ord. 18561 § 1; passed Apr. 30, 1968)

8.96.100 Looting prohibited.

It is unlawful for any person to engage in the activity of looting, stealing, or carrying away personal property without the owner's consent from any and all premises within the City of Tacoma during the time that a state of emergency exists; provided, that this section shall be deemed cumulative and be in addition to all other laws and ordinances of the City of Tacoma relating to the theft or larceny of personal property.

(Ord. 18561 § 1; passed Apr. 30, 1968)

8.96.110 Penalties.

Any person convicted of violating the provisions of this chapter or of any executive order, rule, or regulation issued pursuant thereto, shall be guilty of a misdemeanor, subject to imprisonment in the Pierce County Jail for a term not exceeding six months, and subject to a fine in an amount not exceeding $500.00, or both such fine and imprisonment.

(Ord. 22600 § 65; passed Dec. 29, 1981: Ord. 18561 § 1; passed Apr. 30, 1968)

8.96.120 Severability.

If any part, article, subsection, or section of this chapter shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this chapter, which shall continue in full force and effect notwithstanding such holding.

(Ord. 18561 § 1; passed Apr. 30, 1968)

CHAPTER 8.97
FOURTH OF JULY FESTIVITIES REGULATION

Sections:

8.97.010 Definitions.
8.97.020 Fireworks banned.
8.97.030 Liquor prohibited.
8.97.040 Penalty.
8.97.050 Violators may be required to leave public area.

8.97.010 Definitions.

A. "Alcoholic beverage" shall mean those substances containing alcohol which are included in the definition of "liquor" as more specifically set forth in Section 8.20.020E of this code.

B. “Fireworks” means any composition or device in a finished state containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and classified as common or special fireworks under Chapter 3.12 of this Code.

C. A "liquor permit" shall mean a liquor permit issued by the appropriate officer or agency of the State of Washington pursuant to RCW Title 66 and regulations promulgated thereunder.

D. For the purpose of this chapter, "public area" shall mean the area lying northerly of the southerly boundary of the Burlington Northern right-of-way from a point on such southerly boundary of the railroad right-of-way 580 feet east of the extended easterly boundary of Starr Street to the intersection of such southerly boundary of railroad right-of-way with the easterly boundary of the town of Ruston, and lying southerly of the established inner harbor line in Puget Sound adjacent to Ruston Way, and also any pier and related structure lying northerly of such described area and lying southerly of the established outer harbor line adjacent to Ruston Way. Such "public area" does not include privately owned buildings which are not open to the general public.

(Ord. 27723 Ex. A; passed Jun. 24, 2008: Ord. 23638 § 1; passed Jun. 17, 1986)

8.97.020 Fireworks banned.

It shall be unlawful for any person during the 4th of July to transport or throw any fireworks into the public area or to carry, possess, use, or discharge any fireworks within the public area, except for the transport, possession and discharge of fireworks which are held and used as part of the public display of fireworks pursuant to the terms and conditions of the public fireworks display permit issued under Chapter 3.12 of this Code.

(Ord. 27723 Ex. A; passed Jun. 24, 2008: Ord. 23638 § 1; passed Jun. 17, 1986)

8.97.030 Liquor prohibited.

It shall be unlawful for any person during the 4th of July to transport any alcoholic beverage into the public area or to possess, display or consume any alcoholic beverage within the public area during the 4th of July, except for the possession and consumption of alcoholic beverages within those premises or designated confined areas where such possession or use is allowed pursuant to a liquor permit issued in accordance with the applicable laws and regulations of the State of Washington. Every person who violates any provision of this section shall be guilty of a civil infraction and shall be fined not more than $100.00, which includes all statutory assessments. Whenever any person is stopped for a violation of this section, the officer may detain that person for a reasonable period of time necessary to identify the person and check for outstanding warrants.

(Ord. 26679 § 3; passed Aug. 22, 2000: Ord. 23638 § 1; passed Jun. 17, 1986)

8.97.040 Penalty.

Any person, firm, corporation, or association violating or failing to comply with any provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine in a sum not exceeding $1,000.00 or by imprisonment in jail for a period not exceeding 90 days or both such fine and imprisonment.

(Ord. 27723 Ex. A; passed Jun. 24, 2008: Ord. 23638 § 1; passed Jun. 17, 1986)

8.97.050 Violators may be required to leave public area.

When any police officer has probable cause to believe that a person has violated any provision of the Tacoma Municipal Code or any provision of the Revised Code of Washington while in the public area, he or she may require that person to leave the public area immediately. Any person who remains in the public area after being required to leave by a police officer, or who

returns to the public area on the fourth day of July or prior to 7 a.m. on the fifth day of July of the year in which the violation occurred, is guilty of criminal trespass and may be arrested and prosecuted under the Tacoma Municipal Code. Any juvenile violating this section may be arrested and prosecuted under the municipal code or chapter 9.52 RCW, as currently enacted or hereafter amended.

(Ord. 27723 Ex. A; passed Jun. 24, 2008)

CHAPTER 8.98
PROFESSIONAL STRIKEBREAKERS

Sections:

8.98.010 Legislative findings.
8.98.020 Definitions.
8.98.030 Unlawful to recruit strikebreakers.
8.98.040 Unlawful to transport strikebreakers.
8.98.050 Penalties.
8.98.060 Separability clause.

8.98.010 Legislative findings.

The Council of the City of Tacoma does hereby find, determine and declare that relations between organized labor and management in the City of Tacoma have for many years been based on the principles of good faith, collective bargaining and a mutual respect for the rights, interest, and well-being of working people and of business and industry, and the importation or use in this City of professional strikebreakers as replacements during a strike or lockout is not in keeping with this relationship and endangers such sound and beneficial relationships between labor, management and industry.

The utilization of professional strikebreakers in labor disputes is inimical to the public welfare and good order of the community in that such practice tends to produce and prolong industrial strife, interfere with proper collective bargaining and, in many instances, encourages violence, crimes and other disorders and that the enactment of this chapter is necessary and proper under the police power granted to cities, such as Tacoma.

(Ord. 19066 § 1; passed Mar. 31, 1970)

8.98.020 Definitions.

As used in this chapter, the following words and phrases shall mean and include:

A. "Strike." Any lawful, concerted act of employees, represented by a labor organization, refusing to perform work for an employer.

B. "Lockout." A lawful refusal by an employer to permit his employees to work as a result of and during a dispute with such employees that affects wages, hours and other terms and conditions of employment.

C. "Employer." A person, firm or corporation who employs any employee to perform services for a wage or salary and includes any person, firm or corporation acting as an agent of any employer, directly or indirectly.

D. "Employee." Any person who performs services for wages or salary under a contract of employment, express or implied, for any employer.

E. "Labor organization." The duly certified bargaining representative of the employees of a given employer.

F. "Professional strikebreaker." Any person who customarily and repeatedly offers himself for employment for the duration of a strike or lockout in the place of employees involved in a strike or lockout.

As used in this subdivision F, "repeatedly" means on two or more occasions (exclusive of any current offer for employment in connection with a current strike or lockout); "employment for the duration of such strike or lockout" shall include employment for all or part of the duration of such strike or lockout; and "employment" means services for an employer, whether compensated by wages, salary, or any other consideration not limited to the foregoing and whether secured, arranged or paid for by an employer or any other person, partnership, firm, corporation, association or other entity.

(Ord. 19066 § 1; passed Mar. 31, 1970)

8.98.030 Unlawful to recruit strikebreakers.

It shall be unlawful for any person, firm or corporation not directly involved in a labor strike or lockout to recruit any person or persons for employment, or to secure or offer to secure for such person or persons any employment, when the purpose of such recruiting, securing or offering to secure employment, is to have such persons take the place in employment of employees in a business owned by a person, firm or corporation involved in a labor strike or lockout, or to have such persons act as pickets of a business owned by a person, firm or corporation where a labor strike or lockout exists; provided, that this section shall not apply to activities and services offered by or through the Washington Employment Security Department.

(Ord. 19066 § 1; passed Mar. 31, 1970)

8.98.040 Unlawful to transport strikebreakers.

It shall be unlawful for any person, firm, or corporation, including a licensed employment agency, to transport or arrange to transport to the City of Tacoma any person with knowledge and intent that the person transported is being transported for the purpose of offering his services as a strikebreaker.

(Ord. 19066 § 1; passed Mar. 31, 1970)

8.98.050 Penalties.

Any person violating the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than $500.00 or imprisonment in the Pierce County Jail for not more than six months, or both such fine and imprisonment.

(Ord. 22600 § 66; passed Dec. 29, 1981: Ord. 19066 § 1; passed Mar. 31, 1970)

8.98.060 Separability clause.

If any provision of this chapter or the application of such provision to any person or circumstances shall be held invalid, the validity of the remainder of this chapter and the applicability of such provision to other persons or circumstances shall not be affected thereby.

(Ord. 19066 § 1; passed Mar. 31, 1970)

CHAPTER 8.100
GAMBLING

Sections:

8.100.010 Gambling – Penalties.
8.100.020 Gambling.

8.100.010 Gambling – Penalties.

Whoever engages in gambling activities not specifically authorized by the State of Washington pursuant to Chapter 9.46 RCW, or whoever knowingly causes, aids, abets or conspires with another to engage in gambling activities not specifically authorized by the State of Washington pursuant to Chapter 9.46 RCW shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail for not more than six months or a fine of not more than $500.00, or both such fine and imprisonment.

(Ord. 19960 § 1; passed Oct. 30, 1973)

8.100.020 Gambling.

A person engages in gambling if he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome. Gambling does not include pari-mutuel betting as authorized by Chapter 67.14 RCW or those acts authorized by the State of Washington under Chapter 9.46 RCW when the permission of the State is obtained as provided in said chapter, bona fide business transactions valid under the law of contract, including, but not limited to, contracts for the purchase and/or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including, but not limited to, contracts of indemnity or guaranty and life, health, or accident insurance.

(Ord. 19960 § 1; passed Oct. 30, 1973)

CHAPTER 8.102
BODY PAINTING

Sections:

8.102.010 Definitions.
8.102.020 Prohibited activity.
8.102.030 Penalty.
8.102.040 Severability.
8.102.050 Nuisance.

8.102.010 Definitions.

For the purposes of this chapter, the following terms, words and phrases shall have the following meanings:

A. "Body painting" means the application, whether by use of the hands or otherwise, of paint or other similar substance to the body of another person, or the rubbing, kneading or manipulation of the body of another person unless licensed pursuant to Chapter 6.27 of the Official Code of the City of Tacoma, by either a customer or an attendant as defined in this chapter. (Such definition shall also include the observation, viewing, depiction or photographing of body painters.)

B. "Body painting studio" means any premises upon which is furnished for a fee or charge or other like consideration the opportunity to paint, massage, feel, handle, or touch the unclothed body or an unclothed portion of the body of another person, or to be so painted, massaged, felt, handled or touched by another person, or to observe, view or photograph any such activity, and shall include any such premises which are advertised or represented in any manner whatsoever as a "body painting studio," "sensitivity awareness studio," "model studio," or any other expression or characterization which conveys the same or similar meaning and which leads to the reasonable belief that there will be furnished on such premises for a fee or charge or other like consideration the opportunity to paint, massage, feel, handle or touch the unclothed body or an unclothed portion of the body of another person, or to be painted, massaged, felt, handled, or touched by another person or to observe, view or photograph any such activity.

C. "Body painting studio attendant" means any person who administers to or performs for customers of a body painting studio.

D. "Customer" means any person who pays a fee, gratuity or other consideration for the right to paint or be painted, or for the right to be admitted to, permitted to remain upon, or as a condition of remaining upon, any premises operated as a body painting studio. (Such definition shall also include any person who pays a fee, gratuity or other consideration for the right to observe, view, depict or photograph any act of body painting.)

E. "Person" means any individual, firm, partnership, association, company or organization of any kind.

(Ord. 20470 § 1; passed Jun. 24, 1975: Ord. 20368 § 1; passed Mar. 18, 1975: Ord. 20277 § 1; passed Dec. 26, 1974)

8.102.020 Prohibited activity.

It shall be unlawful for any person to operate, or suffer to be operated on premises owned by him, any body painting studio, or to knowingly participate in any act of body painting.

(Ord. 20277 § 1; passed Dec. 26, 1974)

8.102.030 Penalty.

Any person convicted of a violation of this chapter shall be guilty of a misdemeanor, and shall be punished by a fine of not more than $500.00, or by imprisonment for not more than six months in the Pierce County Jail, or by both such fine and imprisonment.

(Ord. 22600 § 67; passed Dec. 29, 1981: Ord. 20277 § 1; passed Dec. 26, 1974)

8.102.040 Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this chapter.

(Ord. 20277 § 1; passed Dec. 26, 1974)

8.102.050 Nuisance.

The carrying on of any activity prohibited pursuant to the terms of this chapter shall be deemed and construed to be a nuisance.

(Ord. 20277 § 1; passed Dec. 26, 1974)

CHAPTER 8.104
POLICE DOGS

Sections:

8.104.010 Definitions.
8.104.020 Interference with and abuse of police dogs prohibited.
8.104.030 Reimbursement of costs to City.
8.104.040 Exemptions from Animal Control Code.
8.104.050 Violation – Misdemeanor.

8.104.010 Definitions.

As used in this chapter, unless the context or subject matter clearly requires otherwise, the following words or phrases shall have the following meanings:

A. "Police dog" means a dog used by a law enforcement agency, which dog has been specially trained for law enforcement work and has met the minimum training requirements under WAC Chapter 139-50.

B. "Dog handler" means a law enforcement officer who has successfully completed training as prescribed by the Washington State Criminal Justice Training Commission in police dog handling.

(Ord. 23962 § 1; passed Oct. 27, 1987)

8.104.020 Interference with and abuse of police dogs prohibited.

It shall be unlawful for any person to:

A. Willfully or maliciously interfere with, obstruct, torture, beat, kick, strike, mutilate, disable, shoot, poison, kill, or in any other way abuse or harass any police dog;

B. Harass a police dog while said police dog is confined in its quarters, an automobile, kennel, fenced area, training area, or while it is under the control of a dog handler;

C. Willfully or maliciously interfere with a police dog or dog handler while said police dog or dog handler is engaged in lawful police activities.

(Ord. 23962 § 1; passed Oct. 27, 1987)

8.104.030 Reimbursement of costs to City.

Any person who kills or permanently disables a police dog as a result of any unlawful act set forth in Section 8.104.020 shall be liable for, and shall pay to the General Fund of the City of Tacoma, the value of the police dog at the time the incident occurred, which shall include costs incurred in the training, care, feeding, and purchase cost of such police dog.

(Ord. 23962 § 1; passed Oct. 27, 1987)

8.104.040 Exemptions from Animal Control Code.

All police dogs and all dogs being trained as police dogs shall be exempt from all provisions of the Official Code of the City of Tacoma relating to animal control, with the exception of Chapter 5.36 of the Official Code of the City of Tacoma, "Rabies Control." If a police dog is required under City Code Chapter 5.36 to be quarantined, such dog will be remanded to the control of its handler. A police dog so controlled may be used in the line of duty. Follow-up procedures prescribed by the Humane Society/Health Department will apply. All police dogs and all dogs being trained as police dogs shall be exempt from all licensing fees set by the City or Pierce County, but such dogs shall be registered with the taxing agency.

(Ord. 23962 § 1; passed Oct. 27, 1987)

8.104.050 Violation – Misdemeanor.

Any violation of this chapter shall constitute a misdemeanor.

(Ord. 23962 § 1; passed Oct. 27, 1987)

CHAPTER 8.105
DOMESTIC VIOLENCE

Repealed and reenacted by Ord. 28231[1]

Sections:

8.105.010 Domestic Violence.

8.105.010 Domestic Violence.

Chapters 10.99 and 26.50 RCW, as now enacted or hereinafter amended, are hereby adopted by reference as if fully set forth herein, including penalties.

(Repealed and reenacted by Ord. 28231 Ex. A; passed Jul. 8, 2014)

[1] Previous legislation: Ord. 27638 Ex. B; passed Aug. 28, 2007: Ord. 27320 §§ 1-3; passed Mar. 1, 2005: Ord. 27187 §§ 2-11; passed Jan. 20, 2004: Ord. 27179 § 1; passed Dec. 16, 2003: Ord. 26073 § 1; passed May 27, 1997: Ord. 25740 §§ 1-8; passed Jul. 18, 1995: Ord. 23373 § 6; passed Apr. 9, 1985: Ord. 23239 § 1; passed Aug. 28, 1984: Ord. 22805 § 1; passed Nov. 9, 1982

CHAPTER 8.106
REPEALED

HARASSMENT

Repealed by Ord. 28231

(Repealed by Ord. 28231 Ex. A; passed Jul. 8, 2014: Ord. 25908 §§ 1-2; passed May 28, 1996: Ord. 25220 §§ 2-3; passed Dec. 15, 1992: Ord. 23682 § 2; passed Sept. 2, 1986)

CHAPTER 8.107
VIOLATION OF CIVIL ANTI-HARASSMENT PROTECTION ORDER

Sections:

8.107.010 Violation of civil anti-harassment protection order.

8.107.010 Violation of civil anti-harassment protection order.

Any respondent age 18 years or over who willfully disobeys any civil anti-harassment protection order issued pursuant to Chapter 10.14 RCW, shall be guilty of a gross misdemeanor.

(Ord. 28231 Ex. A; passed Jul. 8, 2014: Ord. 24020 § 8; passed Jan. 26, 1988)

CHAPTER 8.108
PARKING IN CONGESTED AREAS

Sections:

8.108.010 Definitions.
8.108.020 Use of parking facilities in congested areas.
8.108.030 Obstruction.

8.108.010 Definitions.

The following definitions shall apply in this chapter:

A. "City parking facilities in congested areas" means those parking areas which are controlled by the City of Tacoma and are located along the length of and either side of that street known as Ruston Way in the City of Tacoma from its easterly boundary at Commencement Park to the boundary line between the City of Tacoma and the Town of Ruston.

B. "Obstruct vehicular traffic" means to walk, stand, sit, lie, or place an object in such a manner as to block passage by the driver of a vehicle, or to cause a driver of a motor vehicle to take evasive action to avoid physical contact, provided that acts authorized by a permit issued pursuant to the Tacoma Municipal Code under Titles 9 and 10, and acts performed pursuant to the lawful commands of a law enforcement officer, shall not constitute obstruction of vehicular traffic.

(Ord. 25524 § 2; passed Jun. 14, 1994)

8.108.020 Use of parking facilities in congested areas.

A. Except for those temporary uses authorized by a permit issued pursuant to Tacoma Municipal Code Chapters 9.30, 11.15, or 11.20, City parking facilities in a congested area shall be used solely and only for the temporary parking of motor vehicles where such vehicles are being used to transport occupants for the purpose of accessing and using a waterfront facility (except a parking facility) in the proximity of such parking facility, the exiting from such vehicle for the purpose of visiting a waterfront facility (except a parking facility), or the retrieval of such vehicle after visiting such waterfront facility; and such parking facilities shall not be used as a place to congregate or for any other use not directly related to such parking of a vehicle for the above-stated purpose. Persons who are not engaged in the normal activities pursuant to parking or retrieving a vehicle at such facility, and evidence an intent to use such City parking facilities for a purpose other than allowed herein, shall forfeit their privilege to remain on the premises of such parking facility.

B. Persons who forfeit their privilege to remain on a parking facility in a congested area shall leave the premises of such parking facility and remove any motor vehicle under the custody or control of any such person from such parking facility when requested to do so by any authorized official.

C. A person who remains at a parking facility in a congested area after being requested to leave, or a person who allows a motor vehicle under his/her custody or control to remain at such parking facility in a congested area after being requested to remove such vehicle, shall be guilty of criminal trespass under Section 8.12.025 of the Tacoma Municipal Code.

(Ord. 25524 § 2; passed Jun. 14, 1994)

8.108.030 Obstruction.

A. It shall be unlawful to willfully obstruct vehicular traffic in a parking facility in a congested area.

B. Obstruction of vehicular traffic is a misdemeanor, and may be punished by a fine not to exceed $500.00, or by imprisonment in the Pierce County jail for a term not to exceed 90 days, or by both such fine and imprisonment.

(Ord. 25524 § 2; passed Jun. 14, 1994)

CHAPTER 8.109
CURFEW HOURS FOR MINORS

Sections:

8.109.010 Definitions.
8.109.020 Offenses.
8.109.030 Defenses.
8.109.040 Enforcement.
8.109.050 Temporary custody procedure.
8.109.060 Violations.
8.109.070 Severability.
8.109.080 Third party liability.
8.109.090 Evaluation.
8.109.100 Effective date and expiration.

8.109.010 Definitions.

In this section:

A. "Curfew hours" means 12:01 a.m. until 6:00 a.m.

B. “Emergency” means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

C. “Errand” means to take a short trip to perform a specific task at the direction of the minor’s parent or guardian.

D. “Establishment” means any privatelyowned place of business operated for a profit, to which the public is invited, including, but not limited to, any place of amusement or entertainment.

E. “Extended family members” means grandparent, brother, sister, stepbrother, stepsister, uncle, aunt, or first cousin who is not a minor and with whom the minor has a relationship and is comfortable with and who is willing and available to care for the child.

F. “Guardian” means:

1. A person who, under court order, is the guardian of the person of a minor; or

2. A public or private agency with whom a minor has been placed by a court; or

3. A person at least 18 years of age who is authorized by a parent or legal guardian to have the care and custody of a minor.

G. “Minor” means any person under 18 years of age.

H. “Operator” means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment open during curfew hours. The term includes the members or partners of an association or partnership and the officers of a corporation.

I. “Parent” means a person who is a natural parent, adoptive parent, foster parent, or stepparent of another person.

J. “Public place” means any place to which the public, or a substantial group of the public, has access, and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, sidewalks, alleys, parking lots, office buildings, transport facilities, and shops.

K. “Remain” means to fail to leave the premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

L. “Serious bodily injury” means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(Ord. 27112 § 1; passed Jul. 1, 2003: Ord. 25832 § 1; passed Jan. 23, 1996: Ord. 25629 § 1; passed Nov. 15, 1994)

8.109.020 Offenses.

A. A minor commits an offense if he or she goes to, is at, or remains in any public place or on the premises of any establishment within the City during curfew hours.

B. A parent or guardian of a minor commits an offense if he or she knowingly permits, or, by insufficient lawful control, allows the minor to go to, be at, or remain in any public place or on the premises of any establishment within the curfew hours.

C. A parent or guardian commits an offense if he or she fails to appear to take the minor into custody after contact from a Tacoma police officer, pursuant to the Temporary Custody Procedure.

D. A person or operator, as defined herein, commits an offense if that person or operator encourages, or affirmatively facilitates, a violation of this chapter by a minor.

(Ord. 27112 § 2; passed Jul. 1, 2003: Ord. 25832 § 1; passed Jan. 23, 1996: Ord. 25629 § 1; passed Nov. 15, 1994)

8.109.030 Defenses.

A. It is a defense that the minor was:

1. Accompanied by the minor's parent, guardian, or extended family member who is not also a minor; or

2. On an errand at the direction of the minor's parent or guardian, without any unnecessary detour or stop; or

3. In a motor vehicle involved in interstate travel; or

4. Engaged in a legal employment activity, or going to or returning home from a legal employment activity without any unnecessary detour or stop; or

5. Involved in an emergency; or

6. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor, if the neighbor did not complain to the police department about the minor's presence; or

7. Attending, going to, or returning home, without any detour or unnecessary stop, from an official school, religious, or other activity supervised by adults or sponsored by any of the following: the City of Tacoma, a civic organization, the Boys and Girls Clubs, the YWCA, the YMCA, Pierce County, Metropolitan Park District of Tacoma, or another similar entity which takes responsibility for the minor; or

8. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

9. Married and thus has achieved the age of majority pursuant to the Revised Code of Washington (RCW) 26.28.020, or has become emancipated in accordance with RCW 13.64.060(2); or

10. Engaged in lawful commercial activity which is commenced prior to curfew hours and the minor proceeds directly home upon termination of the commercial activity.

B. It is a defense to this chapter that the parent or guardian is reasonably hindered to such a degree that he/she is unable to appear and take custody of the minor after being requested to do so.

(Ord. 28105 Ex. A; passed Nov. 27, 2012: Ord. 25832 § 1; passed Jan. 23, 1996: Ord. 25629 § 1; passed Nov. 15, 1994)

8.109.040 Enforcement.

Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or take further action under this section unless the officer reasonably believes an offense has occurred, and that, based on any response and other circumstances, no defense under Section 8.109.030 is present. No citation shall be issued until attempts have been made to place the minor according to the Temporary Custody Procedure.

(Ord. 25832 § 1; passed Jan. 23, 1996: Ord. 25629 § 1; passed Nov. 15, 1994)

8.109.050 Temporary custody procedure.

A police officer who reasonably believes that a minor is violating any of the provisions as described in Section 8.109.020 shall have authority to take the minor into custody, shall inform the minor of the reason(s) for such custody, and may demand that the parent or guardian appear and take custody of the minor.

Should the parent, guardian, custodian, or other adult person having custody or control of such minor not appear, or should the officer otherwise deem appropriate, the officer shall deliver, or arrange to deliver, the minor as follows:

A. To minor’s parent, guardian, custodian, or other adult person having custody or control of such minor. The officer releasing a minor into the custody of an adult person having custody or control shall inform the adult of the reason(s) for the taking of

the minor into custody and shall inform the minor and the responsible adult of the nature and location of appropriate services available in the community; or

B. The officer may take the minor to the home of an adult extended family member after attempting to notify the parent, guardian, or custodian. In the event that A and B are not appropriate under the circumstances, the officer may deliver the minor to either of the following:

C. In the event the parent fails to appear, the minor is to be referred to Family Reconciliation Services for consideration of further intervention and/or placement services.

(Ord. 28105 Ex. A; passed Nov. 27, 2012: Ord. 27244§ 1; passed Jun. 15, 2004: Ord. 25832 § 1; passed Jan. 23, 1996: Ord. 25629 § 1; passed Nov. 15, 1994)

8.109.060 Violations.

A. A violation of any of the provisions of this chapter is designated a civil infraction.

B. A person found to have committed an infraction under this chapter may be assessed a monetary penalty. No penalty may exceed $250.00 for each offense, including all statutory assessments and costs. In lieu of payment for all or part of the monetary penalty, the court may provide for the performance of community service.

(Ord. 25832 § 1; passed Jan. 23, 1996: Ord. 25629 § 1; passed Nov. 15, 1994)

8.109.070 Severability.

Should any section, subsection, paragraph, sentence, clause, or phrase of this chapter, or its application to any person or situation, be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter or its application to any other person or situation. The City Council of the City of Tacoma hereby declares that it would have adopted this chapter and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

(Ord. 25832 § 1; passed Jan. 23, 1996: Ord. 25629 § 1; passed Nov. 15, 1994)

8.109.080 Third party liability.

It is expressly the purpose of this chapter to provide for and promote the health, safety, and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

It is the specific intent of this chapter that no provision or term used in this chapter is intended to impose any duty whatsoever upon the City or any of its officers or employees, for whom the implementation and enforcement of this chapter shall be discretionary and not mandatory.

Nothing contained in this chapter is intended nor shall be construed to create or form the basis of any liability on the part of the City, its officers, employees, or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this chapter by its officers, employees, or agents.

(Ord. 25832 § 1; passed Jan. 23, 1996: Ord. 25629 § 1; passed Nov. 15, 1994)

8.109.090 Evaluation.

A. This chapter shall be reviewed biennially and the report presented to the Public Safety, Human Services and Education Committee.

B. Committee Review.

A committee with a representative from the Human Rights Commission, the Human Services Commission, the Tacoma Police Department, the Human Rights and Human Services Department, the Tacoma Municipal Court, a provider of services to juveniles, and other individuals, as deemed appropriate by the City Manager shall be invited to participate in the committee. This committee shall review implementation of this chapter and report to the Public Safety, Human Services and Education Committee and the City Manager. The report shall include the following information:

1. An assessment of the impacts of this chapter and programs on the furtherance of the goals and objectives of reducing juvenile crime and victimization.

2. The effectiveness of the youth/family support programs offered in support of the curfew chapter.

3. Review and analysis of the data regarding the number of juveniles taken into custody for racial disproportionality and compliance with Chapter 1.29 of the Tacoma Municipal Code (law against discrimination).

4. The number and disposition of complaints filed with the Human Rights and Human Services Department regarding unlawful practices prohibited by Chapter 1.29 of the Tacoma Municipal Code.

(Ord. 28105 Ex. A; passed Nov. 27, 2012: Ord. 27661 Ex A; passed Dec. 4, 2007: Ord. 26386 § 24; passed Mar. 23, 1999: Ord. 25832 § 1; passed Jan. 23, 1996: Ord. 25629 § 1; passed Nov. 15, 1994)

8.109.100 Effective date and expiration.

This chapter shall be effective on January 1, 2013, and shall be non-expiring.

(Ord. 28105 Ex. A; passed Nov. 27, 2012: Ord. 27661 Ex A; passed Dec. 4, 2007: Ord. 27572 § 1; passed Dec. 19, 2006: Ord. 27171 § 1; passed Dec. 9, 2003: Ord. 26524 § 1; passed Nov. 2, 1999: Ord. 26168 § 1; passed Dec. 16, 1997: Ord. 25832 § 1; passed Jan. 23, 1996: Ord. 25629 § 1; passed Nov. 15, 1994)

CHAPTER 8.110
INHALING TOXIC FUMES

Sections:

8.110.010 Definition.
8.110.020 Unlawful inhalation – Exception.
8.110.030 Possession of certain substances prohibited, when.
8.110.040 Sale of certain substances prohibited, when.
8.110.050 Penalty.

8.110.010 Definition.

As used in this chapter, the phrase "substance containing a solvent having the property of releasing toxic vapors or fumes" shall mean and include any substance containing one or more of the following chemical compounds:

A. Acetone;

B. Amylacetate;

C. Benzol or benzene;

D. Butyl acetate;

E. Butyl alcohol;

F. Carbon tetrachloride;

G. Chloroform;

H. Cyclohexanone;

I. Ethanol or ethyl alcohol;

J. Ethyl acetate;

K. Hexane;

L. Isopropanol or isopropyl alcohol;

M. Isopropyl acetate;

N. Methyl "cellosolve" acetate;

O. Methyl ethyl ketone;

P. Methyl isobutyl ketone;

Q. Toluol or toluene;

R. Trichloroethylene;

S. Tricresyl phosphate;

T. Xylol or xylene; or

U. Any other solvent, material substance, chemical, or combination thereof, having the property of releasing toxic vapors.

(Ord. 26117 § 2; passed Aug. 19, 1997)

8.110.020 Unlawful inhalation – Exception.

It is unlawful for any person to intentionally smell or inhale the fumes of any type of substance as defined in this chapter, or to induce any other person to do so, for the purpose of causing a condition of, or inducing symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses of the nervous system, or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes. This section does not apply to the inhalation of any anesthesia for medical or dental purposes.

(Ord. 26117 § 2; passed Aug. 19, 1997)

8.110.030 Possession of certain substances prohibited, when.

No person may, for the purpose of violating this chapter, use, or possess for the purpose of so using, any substance containing a solvent having the property of releasing toxic vapors or fumes.

(Ord. 26117 § 2; passed Aug. 19, 1997)

8.110.040 Sale of certain substances prohibited, when.

No person may sell, offer to sell, deliver, or give to any other person any container of a substance containing a solvent having the property of releasing toxic vapors or fumes, if he has knowledge that the product sold, offered for sale, delivered, or given will be used for the purpose set forth in TMC 8.110.020.

(Ord. 26117 § 2; passed Aug. 19, 1997)

8.110.050 Penalty.

Any person who violates this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than $100.00 or by imprisonment for not more than 30 days, or by both.

(Ord. 26117 § 2; passed Aug. 19, 1997)

CHAPTER 8.120
GRAFFITI[1]

Sections:

8.120.010 Definitions.
8.120.020 Violation of chapter.
8.120.030 Prohibited acts.
8.120.040 Removal of graffiti.
8.120.050 Severability.

8.120.010 Definitions.

A. "Abate" means to remove Graffiti by such means, in such a manner, and to such an extent, as the Director or the Hearing Examiner reasonably determines is necessary to remove the Graffiti from public view.

B. "Director" means the Director of Public Works, or his or her designee.

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

D "Graffiti Vandalism" means the act of intentionally altering, marking, or defacing property through the use of Graffiti.

E "Hearing Examiner" means the City of Tacoma Hearing Examiner and the office thereof, established pursuant to Tacoma Municipal Code ("TMC") 1.23.

F. "Marker Pen" means a broad tip indelible marker with a tip exceeding four millimeters at its diameter.

G. "Owner" means any entity or entities having a legal or equitable interest in real or personal property, including, but not limited to, the interest of a tenant or lessee.

H. "Premises Open to the Public" means all public spaces, including, but not limited to, streets, alleys, sidewalks, parks, and public open space, as well as private property onto which the public is regularly invited or permitted to enter for any purpose, the doorways and entrances to those buildings or dwellings, and the grounds enclosing them.

I. "Pressurized Container" means any can, bottle, spray device, or other mechanism designed to propel liquid which contains ink, paint, dye, or other similar substance which is expelled under pressure, either through the use of aerosol devices, pumps, or similar propulsion devices, and is capable of marking property.

J. "Property" means any real or personal property which is affixed, incidental, or appurtenant to real property, including, but not limited to, any structure, fence, wall, sign, or any separate part thereof, whether permanent or not.

K. "Unauthorized" means without the prior express permission or consent of the owner of the property or of the person in control of the property.

(Ord. 27632 Ex. B; passed Jul. 17, 2007: Ord. 26395 § 2; passed Sept. 21, 1999)

8.120.020 Violation of chapter.

Any Property located in the City that has graffiti on it is deemed a Public Nuisance as defined in TMC 8.30.040 and is subject to the enforcement provisions in Chapter 8.30 TMC (Nuisance Code).

(Ord. 27632 Ex. B; passed Jul. 17, 2007: Ord. 26395 § 2; passed Sept. 21, 1999)

8.120.030 Prohibited acts.

A. Unlawful to Furnish to Minor. It shall be unlawful for any person, firm, or corporation, except a parent or legal guardian, to sell, give, or in any way furnish to another person under the age of 18 years, any Pressurized Container or Marker Pen. It shall be a defense to a violation of this subsection, that the person, firm, or corporation which, sold, gave, or furnished any Pressurized Container or Marker Pen, did so after first obtaining bona fide evidence of majority and identity. For purposes of this subsection, "bona fide evidence of majority and identity" is any document evidencing the age and identity of an individual, which has been issued by a federal, state, or local governmental entity, and includes, but is not limited to:

1. A valid or recently expired driver's license or instruction permit that contains the signature, date of birth, and a photograph of the individual;

[1] Chapter 8.120 is effective beginning December 20, 1999.

2. A Washington State identicard or an identification card issued by another state that contains the signature and a photograph of the individual;

3. An identification card issued by the United States, a state, or agency of either the United States or a state, of a kind commonly used to identify the members of employees of the government agency, that contains the signature, date of birth, and a photograph of the individual;

4. A military identification card that contains the signature, date of birth, and a photograph of the individual;

5. A United States passport that contains the signature, date of birth, and a photograph of the individual;

6. An immigration and naturalization service form that contains the signature, date of birth, and photograph of the individual; or

7. If the individual is a minor, an affidavit of the individual's parent or guardian where the parent or guardian displays or provides at least one piece of identifying documentation, as specified in this subsection, along with additional documentation establishing the relationship between the parent or guardian and the applicant.

B. Unlawful for Minor to Purchase. It shall be unlawful for any person under the age of 18 years to purchase a Pressurized Container or Marker Pen.

C. Possession in Posted Area. It is unlawful for any person to carry on his or her person, or in plain view to the public, a Pressurized Container while in any posted public facility, park, playground, swimming pool, beach, or recreational area, other than a highway, street, alley, or way, unless he or she has first received valid authorization from the governmental entity which has jurisdiction over the public area. "Posted" means a sign placed in a reasonable location or locations providing notice that it is a misdemeanor to openly possess a Pressurized Container in such public facility, park, playground, swimming pool, beach, or recreational area without valid authorization.

D. Possession with Intent. It is unlawful for any person to possess a Pressurized Container, Marker Pen, or any other object capable of defacing Property, for the purpose of committing Graffiti Vandalism.

E. Minor in Possession. It is unlawful for any individual under the age of 18 years, who is not accompanied by a responsible adult, to possess a Pressurized Container or Marker Pen in or upon a public place or private Property, without the consent of the Owner, lessee, or other person entitled to legal possession thereof.

F. Graffiti Vandalism. Graffiti Vandalism is unlawful.

G. Penalty. Violation of any of the provisions of Sections 8.120.030.A through 8.120.030.E is a misdemeanor, punishable by a fine not to exceed $1,000, or imprisonment not to exceed 90 days, or both such fine and imprisonment. Violation of Section 8.120.030.F is a gross misdemeanor, punishable by a fine not to exceed $5,000, or imprisonment not to exceed one year, or both such fine and imprisonment. Violation of Section 8.120.030.G is a Class 1 civil infraction, with a maximum penalty and default amount of $250, not including statutory assessments. Each day constitutes a separate violation of Section 8.120.030.G.

(Ord. 27632 Ex. B; passed Jul. 17, 2007: Ord. 26395 § 2; passed Sept. 21, 1999)

8.120.040 Removal of graffiti.

Notwithstanding the remedies available under Chapter 8.30 TMC, whenever Graffiti exists upon the Property owned by a public agency, or a private Property Owner, the City may remove it with the consent of the public entity or private Property Owner owning such Property.

(Ord. 27632 Ex. B; passed Jul. 17, 2007: Ord. 26395 § 2; passed Sept. 21, 1999)

8.120.050 Severability.

The provisions of this chapter are declared to be separate and severable. If any clause, sentence, paragraph, subdivision, section, subsection or portion of this chapter, or the application thereof to any person or circumstance, is held to be invalid, it shall not affect the validity of the remainder of this chapter, or the validity of its application to other persons or circumstances.

(Ord. 27632 Ex. B; passed Jul. 17, 2007: Ord. 26395 § 2; passed Sept. 21, 1999)

CHAPTER 8.122
NOISE ENFORCEMENT

Sections:

8.122.005 Purpose.
8.122.010 General definitions.
8.122.020 General powers of the Director.
8.122.030 Testing by order of the Director.
8.122.040 Inspection.
8.122.050 Procedures for the determination of sound levels.
8.122.060 General provisions.
8.122.070 Construction.
8.122.080 Music.
8.122.090 Variances.
8.122.100 Penalty for violation.
8.122.110 Notice of Violation and civil penalty.
8.122.120 Noise control plan.
8.122.130 Hearing by the Hearing Examiner.
8.122.140 Exemptions.
8.122.150 Nuisance Regulations not prohibited.
8.122.160 Severability.

8.122.005 Purpose.

The purpose of this chapter is to mitigate the adverse impact of noise so as to preserve, protect, and promote the public health, safety and welfare, and the peace and quiet for the citizens of the City, while recognizing the economic value of construction, industry and commercial enterprise. This chapter is further intended to prevent injury to life, and property, foster convenience and comfort for the City's citizens, and facilitate the enjoyment of the natural attractions of the City.

(Ord. 28293 Ex. A; passed Apr. 14, 2015)

8.122.010 General definitions.

As used in this chapter, the following terms shall have the meanings set forth in this section, unless a different meaning is clearly indicated by the context in which the term is used:

A. "Activity" means any act or combination of acts, which actually results in the production of sound.

B. "Ambient" sound means the sound level at a given location that exists as a result of the combined contribution in that location of all sound sources, excluding the contribution of a source or sources under investigation for violation of this code and excluding the contribution of extraneous sound sources. For purposes of the enforcement of this code, the ambient sound level of a given location may be determined based upon measurements taken at a comparable site (which includes but is not limited to comparable physical locations and time of day) in the nearby area.

C. "ANSI" means the American National Standards Institute, which serves as the administrator and coordinator of the United States private sector voluntary standardization system.

D. "Apparatus" means any mechanism that prevents, controls, detects, measures or records the production of sound.

E. "Building" means a structure as defined in Section 2.01.040 of the Tacoma Municipal Code.

F. "Construction" or "construction work" means any or all activity necessary or incidental to the erection, demolition, assembling, altering, installing, or equipping of buildings, public or private highways, roads, premises, parks or utility lines, including land clearing, grading, excavating, and filling.

G. "Construction device" means any device designed and intended for use in construction including, but not limited to any air compressor, pile driver, sledgehammer, bulldozer, pneumatic hammer, steam shovel, derrick, crane, steam or electric hoist, construction vehicle, or pneumatic or electric tool.

H. "Continuous sound" is sound that is measured by the slow response of a sound level meter and which lasts one second or longer. Impulsive sounds that are rapidly repetitive and have a duration of one second or longer shall be measured as continuous sound.

I. “dB(A)” means the sound level as measured with a sound level meter using the “A” weighting network. This frequency-weighting network for the measurement of sound levels shall comply with standards established by the American National Standards Institute current S1.4 specifications for sound level meters .

J. “dB(C)” level means the sound level as measured with a sound level meter using the “C” weighting network. This frequency-weighting network for the measurement of sound levels shall comply with standards established by the American National Standards Institute specifications for sound level meters S1.4-1971, as amended or S1.4-1983, as amended.

K. “Decibel” means the practical unit of measurement for sound pressure level; the number of decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure to the pressure of a reference sound (20 micropascals); abbreviated “dB.”

L. “Device” means any mechanism that is intended to or that actually produces sound when operated or handled.

M. “Department” means the Department of Neighborhood and Community Services.

N. “Director” means Director of Neighborhood and Community Services Department, or authorized representative.

O. “Dwelling” means any building lawfully occupied in whole or in part as the temporary or permanent residence of one or more natural persons.

P. “Emergency” means a public calamity or an exposure of any person or property to imminent danger.

Q. “Emergency energy release device” means a device used specifically to release excess energy on a nonscheduled basis as necessary for purposes of safety, and not as a part of routine process control.

R. “Emergency signal device” means any gong, siren, whistle, air horn or any similar device used on authorized emergency vehicles.

S. “Extraneous sound” means a sound that is relatively intense, intermittent, and of short duration and is neither part of the ambient sound, nor comes from the sound source under investigation. These sources of sound are noted but excluded from all measurements.

T. “Frequency” means the time rate of repetition of sound waves in cycles per second, reported as Hertz (Hz). “Frequency” is sometimes colloquially referred to as “pitch.” Low frequency sounds can correspond to the bass notes in music. Low frequency sound waves travel farther and penetrate structures more efficiently than high frequency sound waves.

U. “Impulsive sound” is sound that is of short duration where each peak of sound lasts one second or less. The sound is characterized by abrupt onset and rapid decay. As used in this code, the term impulsive sound shall not include music.

V. “Lmax” means the maximum measured sound level at any instant in time.

W. “Owner” means and includes the owner of the property or premises, or a lessee, tenant, or agent of any owner, a lessee of a device or his or her agent, a tenant, operator, or any other person who has regular control of a device or an apparatus.

X. “Person” means any individual, partnership, company, corporation, association, firm, organization, governmental agency, administration, or department, or any other group of individuals, or any officer or employee thereof.

Y. “Plainly audible sound” means any sound for which any of the content of that sound, such as, but not limited to, comprehensible musical rhythms, is communicated to a person using his or her unaided hearing faculties. For the purposes of the enforcement of this code, the detection of any component of sound, including, but not limited to, the rhythmic bass by a person using his or her unaided hearing faculties is sufficient to verify plainly audible sound. It is not necessary for such person to determine the title, specific words or artist of music, or the content of any speech.

Z. “Public right-of-way” includes the area of land, the right of possession of which is secured by the City for right-of-way purposes, and includes the traveled portion of the public streets and alleys as well as the border area, which includes, but is not limited to, sidewalks, driveway approaches, planting strips, traffic circles, parkways or medians, or the area between the sidewalk and curb line.

AA. “Receiving property” means real property, including, but not limited to, buildings, grounds, offices and dwelling units from which sound levels from sound sources outside such property may be measured. Individual offices or dwelling units within a building may constitute a receiving property.

BB. “Sound” means an oscillation in pressure, stress, particle displacement, particle velocity, etc., in a medium with internal forces (e.g., elastic, viscous) or the superposition of such propagated oscillation that evokes an auditory sensation.

CC. “Sound level meter” means any instrument including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of noise and sound levels in a specified manner and that complies with standards

established by the American National Standards Institute specifications for sound level meters S1.4-1971, as amended, or S1.4-1983, as amended.

DD. "Sound level" (decibels) means an expression of the acoustic pressure calculated as 20 times the logarithm to the base 10 of the ratio of the root mean square of the pressure of the sound to the reference pressure, 20 micropascals.

EE. "Sound source" means any activity or device that emits sound.

FF. "Total sound level" means that measured sound level that represents the combined sound level of the source or sources under investigation and the ambient sound level. Total sound level measurements shall exclude extraneous sound sources.

(Repealed and reenacted by Ord. 28293 Ex. A; passed Apr. 14, 2015: Ord. 28255 Ex. B; passed Nov. 4, 2014: Ord. 27673 Ex. A; passed Feb. 19, 2008)

8.122.020 General powers of the Director.

A. Subject to the provisions of this code, the Director may take such action as may be necessary to abate a sound source that causes or may cause, by itself or in combination with any other sound source or sources, an unreasonable or prohibited noise.

B. The Director may promulgate such rules as are necessary to effectuate the purposes of this code, including, without limitation, rules setting forth specifications for the operation, installation, best available technology, or manufacture of sound generating equipment or devices, or sound mitigation equipment or devices.

C. The Director may promulgate such rules as are necessary with regard to standards and procedures to be followed in the measurement of sound pressure levels governed by the provisions of this code.

D. The Police Department, as well as other agencies of the City designated by the Director, shall have the authority to enforce the provisions of this code.

(Repealed and reenacted by Ord. 28293 Ex. A; passed Apr. 14, 2015: Ord. 27673 Ex. A; passed Feb. 19, 2008)

8.122.030 Testing by order of the Director.

A. If the Director has reasonable cause to believe that any device is in violation of this code, the Director may order the owner of the device to conduct such tests as are necessary in the opinion of the Director to determine whether the device or its operation is in violation of this code and to submit the test results to the Director within 30 calendar days after the tests are ordered.

B. Such tests shall be conducted in a manner approved by the Director. If any part of the test is conducted at a place other than the site where the device is located, that part of the test shall be certified by a laboratory acceptable to the Director. The Director may require that the entire test results shall be reviewed and certified by (i) a professional engineer with acoustical experience or (ii) a noise consultant with related education and/or acoustical experience.

C. If, in the opinion of the Director, tests by the department are necessary, the Director may order the owner to provide such access to the device as the Director may reasonably request, to provide a power source suitable to the points of testing, and to provide facilities as necessary. These provisions shall be made at the expense of the owner of the device. The owner shall be furnished with copies of the analytical results of the data collected.

(Repealed and reenacted by Ord. 28293 Ex. A; passed Apr. 14, 2015: Ord. 27673 Ex. A; passed Feb. 19, 2008)

8.122.040 Inspection.

A. The Director may inspect at any reasonable time and in a reasonable manner any device that creates or may create unreasonable or prohibited noise including, but not limited to, the premises where the device is used.

B. The Director may inspect at any reasonable time and in a reasonable manner any record relating to a use of a device that creates or may create unreasonable or prohibited noise.

(Repealed and reenacted by Ord. 28293 Ex. A; passed Apr. 14, 2015: Ord. 27673 Ex. A; passed Feb. 19, 2008)

8.122.050 Procedures for the determination of sound levels.

Unless otherwise specifically provided, sound levels shall be determined as follows:

A. The sound level shall be measured with a sound level meter. The sound level meter and calibrator must be recertified annually at a laboratory approved by the Director. A field check of meter calibration and batteries must be conducted before and after every set of measurements, and at least every hour as necessary.

B. Total and ambient sound level measurements shall be conducted in accordance with procedures for training approved by the Director. Calculation of source sound levels shall conform to accepted practice.

C. Ambient sound level measurements shall be conducted on the A-weighting network or the C-weighting network, as appropriate.

D. Impulsive sound levels shall be measured in the A-weighting network with the sound level meter set to fast response, and shall be measured from any point within the receiving property. The requirement for A-weighted measurements shall not apply to impulsive sounds arising from amplified sound sources, when measured indoors.

E. All sound level measurements under this code shall be taken in LMax, as equipment allows.

F. Total sound level measurements shall be conducted for a minimum of three 30-second intervals within a 30-minute period, unless the duty cycle of the sound source precludes multiple measurements.

(Repealed and reenacted by Ord. 28293 Ex. A; passed Apr. 14, 2015: Ord. 27673 Ex. A; passed Feb. 19, 2008)

8.122.060 General provisions.

A. No person shall make, continue, or cause or permit to be made or continued any continuous sound attributable to any source that increases the total sound level above the ambient sound level by the limits in Table 1 when measured at or within a receiving property:

Table 1. Maximum permissible sound level in excess of the ambient sound level:

	Outdoors	Indoors
7:00 a.m. to 10:00 p.m.	10 dBA	6 dBC
10:00 p.m. to 7:00 a.m.	5 dBA	3 dBC

B. No person shall make, continue, or cause or permit to be made or continued any impulsive sound, attributable to the source, that increases the total sound level by 15 dB(A) or more above the ambient sound level, when there are less than ten impulses per hour between the hours of 7:00 a.m. and 10:00 p.m., less than four impulses within one hour between the hours of 10:00 p.m. and 7:00 a.m. If the number of impulses exceeds that set forth in this subsection, the sound level limits in Table 1 of subsection A shall apply.

C. Where a particular sound source or device is subject to decibel level limits and requirements specifically prescribed for such source, device or activity elsewhere in this code, the decibel level limits set forth in this section shall not apply to such sound source, device, or activity.

D. Construction activities shall be governed under Section 8.122.070.

(Repealed and reenacted by Ord. 28293 Ex. A; passed Apr. 14, 2015: Ord. 27673 Ex. A; passed Feb. 19, 2008)

8.122.070 Construction.

A. All construction devices used in construction and demolition activity shall be operated with a muffler if a muffler is commonly available for such construction device.

B. Construction and demolition activity, excluding emergency work, shall not be performed between the hours of 9:00 p.m. and 7:00 a.m. on weekdays or between the hours of 9:00 p.m. and 9:00 a.m. on weekends and federal holidays, except as otherwise provided in this code.

C. After hours work on weekdays and weekends shall be allowed, provided that no sound created by the work exceeds the limits in Section 8.122.060(a).

(Repealed and reenacted by Ord. 28293 Ex. A; passed Apr. 14, 2015: Ord. 27673 Ex. A; passed Feb. 19, 2008)

8.122.080 Music.

A. No person shall make or cause or permit to be made or caused any music originating from or in connection with the operation of any commercial establishment, enterprise or activities approved through any City permit or license when the level of sound attributable to such music, as measured inside any receiving property dwelling unit:

1. causes a 6 dB(A) or more increase in the total sound level above the ambient sound level as measured in decibels in the “A” weighting network; or

2. causes a 6 dB(C) or more increase in the total sound level above the ambient sound level as measured in decibels in the “C” weighting network.

B. No person shall make or cause or permit to be made or caused any music originating from or in connection with the operation of any commercial establishment or enterprise when the level of sound attributable to such music is plainly audible from a distance of at least 100 feet in any direction from the property line of the commercial establishment.

(Repealed and reenacted by Ord. 28293 Ex. A; passed Apr. 14, 2015: Ord. 27673 Ex. A; passed Feb. 19, 2008)

8.122.090 Variances.

A. Any person who owns or operates a sound source may apply for a variance of limited duration from the Director.

B. Applications for a variance shall supply information including, but not limited to:

1. The nature and location of the noise source for which such application is made;

2. The reason for which the variance is requested, including the hardship that will result to the applicant, his/her client, or the public if the permit of variance is not granted;

3. The nature and intensity of noise that will occur during the period of the variance, and;

4. A description of interim noise control measures to be taken by the applicant to minimize noise and the impacts occurring therefrom;

5. The name, address, and means of contacting a responsible party during the hours of operation for which the permit of variance is issued.

C. The Director may charge the applicant a fee to cover expenses resulting from the processing of the variance application.

D. In making the determination on granting a variance, the Director shall consider:

1. The character and degree of injury to, or interference with the reasonable use of property which is caused or threatened to be caused by the sound to result from the variance.

2. The social and economic value of the activity for which the variance is sought.

3. The ability of the applicant to apply best practical noise control measures.

4. Physical conditions that create a significant financial hardship in complying with the provisions of this chapter.

E. The variance shall enumerate the conditions of the variance including:

1. Specific dates and times for which the variance is valid;

2. Sound level limits which may not be exceeded at the nearest affected residential property.

F. The variance may be revoked by the Director if the terms of the variance are violated.

G. A variance may be revoked by the Director, and the issuance of future variances withheld, if there is:

1. Violation of one or more conditions of the variance;

2. Material misrepresentation of fact in the variance application; or,

3. Material change in any of the circumstances relied upon by the Director in granting the variance.

H. Any person applying for a variance may appeal the Director's decision pursuant to Section 8.122.130.

(Repealed and reenacted by Ord. 28293 Ex. A; passed Apr. 14, 2015: Ord. 27673 Ex. A; passed Feb. 19, 2008)

8.122.100 Penalty for violation.

A. Every person who violates any provision of this chapter has committed a civil violation and shall be subject to the provisions herein. The owners, agents, contract buyers, tenants, or lessees of all residential dwellings, commercial establishments, and/or real estate upon which a violation of this article is found shall be jointly and severally responsible for compliance with this article and jointly and severally liable for any penalties costs incurred and awarded under this article.

B. The penalties set forth in this chapter are not exclusive. The City may avail itself of any other remedies provided by law.

(Repealed and reenacted by Ord. 28293 Ex. A; passed Apr. 14, 2015: Ord. 27673 Ex. A; passed Feb. 19, 2008)

8.122.110 Notice of Violation and civil penalty.

A. Any person who violates any of the provisions of this chapter may, upon a determination that a violation has been committed, be assessed monetary penalties.

B. The Notice of Violation will be either:

1. Prepared and sent by first class mail to the owner of the property. Notice may also be sent to the person in control of the property, if different; or

2. Personally served upon the Owner of the property. Notice may also be personally served on the person in control of the property, if different; or

3. Posted on the Property in a prominent location on the premises in a conspicuous manner that is reasonably likely to be discovered.

C. The Notice of Violation shall contain the following:

1. The address of the site and specific details of the condition that is to be corrected;

2. The penalties that may be imposed in the event that the condition is not corrected within 18 calendar days, or as approved by the Director in a noise control plan timeline.

3. If required by the Director, a statement that a noise control plan must be submitted within 18 calendar days.

4. The appropriate department and/or division investigating the case and the contact person.

5. A statement that the person to whom a Notice of Violation is directed may request a hearing by the Hearing Officer. Such notice must be in writing and must be received by the City Clerk no later than 10 calendar days after the Notice of Violation has been issued.

D. At the end of the specified timeframe, the site will be reinspected to see if the condition has been corrected and an acceptable noise control plan submitted.

E. A person who receives a Notice of Violation may request an extension of the compliance deadline. The Director shall have the discretion to grant any reasonable request for an extension, if it can be demonstrated that an ongoing good-faith effort is being made to achieve compliance.

F. Penalties.

1. If a person fails to correct the violation, submit an acceptable noise control plan, violates the plan or, otherwise violates the provisions of this chapter within 12 calendar months of a previous Notice of Violation, then the City may issue penalties in the following amounts:

a. The first civil penalty shall be $250.

b. The second civil penalty within 12 months of the Notice of Violation shall be $500.

c. The third civil penalty within 12 months of the Notice of Violation shall be $1,000.

d. The fourth and subsequent civil penalties within 12 months of the Notice of Violation shall be $2,000.

2. At such time that two civil penalties have been assessed within a one-year period, any City-issued permits and/or licenses for the site or site activity may be suspended until such time that an approved noise control plan has been submitted and fully complied with, as deemed by the Director.

3. Civil penalties will continue to accumulate until the condition is corrected. At such time that the assessed penalties amount to $1,000, a Certificate of Complaint may be filed with the Pierce County Auditor to be attached to the title of the property. A copy of the Certificate of Complaint shall be sent to the Property Owner and may be sent to parties of interest, if different from the Owner.

G. Each day that a property or person is not in compliance with the provisions of this chapter may constitute a separate violation of this chapter.

H. The Director is authorized to waive monetary penalties upon the Director's finding that the person to whom a Notice of Violation has been issued has either come into compliance or has taken all practicable steps toward coming into compliance.

(Repealed and reenacted by Ord. 28293 Ex. A; passed Apr. 14, 2015: Ord. 27673 Ex. A; passed Feb. 19, 2008)

8.122.120 Noise control plan.

A. Any person who receives a Notice of Violation under this chapter may be required to submit a noise control plan.

B. The noise control plan shall include, but not necessarily be limited to:

1. A description of noise control measures to be taken to ensure compliance with this code, addressing the specific device(s) and/or operation(s) which are the source(s) of the noise;

2. A timeline, subject to approval to the Director, for implementation of the noise control plan, including the date when compliance will be achieved with the limits set forth in Section 8.122.060, or the provisions applicable to the particular sound source or device;

3. Sound level limits or hours of operation not to be exceeded at the nearest affected residential property during implementation of the noise control plan and hours of operation, if applicable;

4. Information on the ability of the applicant to apply best practical noise control measures; and

5. The name, address, and means of contacting a responsible party for the noise control plan.

(Repealed and reenacted by Ord. 28293 Ex. A; passed Apr. 14, 2015: Ord. 27673 Ex. A; passed Feb. 19, 2008)

8.122.130 Hearing by the Hearing Examiner.

A. A person to whom a Notice of Violation or civil penalty is issued may request a hearing by filing the request with the City Clerk no later than ten calendar days after said Notice of Violation or civil penalty is issued.

B. If a hearing is requested, the Hearing Examiner, or designee, will conduct the hearing required by this chapter no more than 18 calendar days after the Director issues the Notice of Hearing.

C. If a request for a hearing is received, the Director shall mail a notice giving the time, location, and date of the hearing, by first-class mail to person or persons to whom the Notice of Violation or civil penalty was directed.

D. The Hearing Examiner, or designee, shall conduct a hearing on the Notice of Violation or civil penalty. The Director, as well as the person to whom the Notice of Violation or civil penalty was directed, may participate as parties in the hearing, and each party may call witnesses. The City shall have the burden of proof to establish, by a preponderance of the evidence, that a violation has occurred and that the required corrective action is reasonable.

E. The Hearing Officer shall determine whether the City has established that a violation has occurred and that the required corrective action is reasonable and shall affirm, modify, or vacate the Director's decisions regarding the alleged violation, civil penalty, and/or the required corrective action, with or without written conditions.

F. The Hearing Examiner shall issue a final Order that contains the following information:

1. The decision regarding the alleged violation including findings of facts and conclusion based thereon;

2. The required corrective action, if any;

3. The date and time by which the correction must be completed;

4. A statement of any appeal remedies.

G. If the person to whom the Notice of Violation or civil penalty was directed fails to appear at the scheduled hearing, the Hearing Examiner will enter an Order finding that the violation has occurred.

H. The Order shall be served on the person in the same manner as a Notice of Violation as provided for in Section 8.122.110. A final Order of the Hearing Examiner may be appealed to a court of competent jurisdiction no more than 21 calendar days of its issuance.

(Repealed and reenacted by Ord. 28293 Ex. A; passed Apr. 14, 2015: Ord. 27673 Ex. A; passed Feb. 19, 2008)

8.122.140 Exemptions.

The operational performance standards established in this chapter shall not apply to any of the following noise sources:

A. Agricultural activities.

B. Unamplified bells, chimes, or carillons while being used in conjunction with ongoing religious or school activities, or as a function of a City landmark.

C. Emergency energy release and signal devices.

D. Emergency work conducted at the site of the emergency.

E. National Warning System ("NAWAS"): systems used to warn the community of an attack or imminent public danger, such as flooding, explosion, or hurricane.

F. Noise of aircraft operations.

G. Sounds originating from officially sanctioned parades and other public events when properly permitted under Chapter 11.15 of the Tacoma Municipal Code ("TMC").

H. Sounds created by animals, which sounds shall be regulated under the provisions of Title 17 TMC.

I. Sounds created by motor vehicles, which sounds shall be regulated under the provisions of Chapter 8.12 TMC.

J. Sounds created by motor boats competing in a regatta or in a boat race, whether on trial runs or on official trial for speed records, authorized by the City under Chapter 9.35 TMC.

K. Sounds generated by a shooting range operated by a law enforcement agency.

L. Sounds generated by trains.

M. Events at City facilities, including, but not limited to, the Greater Tacoma Convention and Trade Center, the Tacoma Dome, the Broadway Center for the Performing Arts, and Cheney Stadium, provided that general or event-specific noise limits shall be set forth in license agreements established for such facilities.

N. Emergency sirens at either a fixed location or on an emergency vehicle, responding to an emergency.

O. Sounds created by portable or stand-by generators during periods when there is no electrical service available from the primary supplier due to natural disaster or power outage.

P. Sounds created by the operation of commercial, non-recreational watercraft engaged in intrastate, interstate, or international commerce, to include all associated loading and unloading activities.

(Repealed and reenacted by Ord. 28293 Ex. A; passed Apr. 14, 2015: Ord. 27939 Ex. A; passed Nov. 2, 2010: Ord. 27673 Ex. A; passed Feb. 19, 2008)

8.122.150 Nuisance Regulations not prohibited.

Nothing in this chapter or the exemptions provided herein shall be construed as preventing the regulation of noise from any source as a nuisance. Ordinances or rules regulating noise on such a basis shall not be deemed inconsistent with this chapter.

(Repealed and reenacted by Ord. 28293 Ex. A; passed Apr. 14, 2015: Ord. 28272 Ex. E; passed Dec. 16, 2014: Ord. 27939 Ex. A; passed Nov. 2, 2010: Ord. 27673 Ex. A; passed Feb. 19, 2008)

8.122.160 Severability.

If any section, subsection, subdivision, sentence, clause or phrase of this chapter is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of this chapter.

(Ord. 28293 Ex. A; passed Apr. 14, 2015)

CHAPTER 8.130
SALE OR DISTRIBUTION OF DEACTIVATED HAND GRENADES TO MINORS

Sections:

8.130.010 Sale or distribution prohibited.
8.130.020 Penalty.
8.130.030 Severability.

8.130.010 Sale or distribution prohibited.

It is unlawful for any person to sell, offer for sale, barter, give, lend, or otherwise distribute any deactivated grenade to any person less than 18 years old. For purposes of this section, a "deactivated grenade" is a metal or plastic grenade, originally designed as an explosive device, for which the explosive material has been removed, regardless of whether the chamber cavity has been permanently refilled with an inert, non-explosive material and/or regardless of whether the grenade has otherwise been permanently altered in a manner that prevents it from being used as a grenade.

(Ord. 26620 § 1; passed May 2, 2000)

8.130.020 Penalty.

Any person(s) violating Section 8.130.020 shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than $1,000, or imprisonment for a period not to exceed 90 days, or both such fine and imprisonment.

(Ord. 26620 § 1; passed May 2, 2000)

8.130.030 Severability.

The provisions of this chapter are declared to be separate and severable. If any clause, sentence, paragraph, subdivision, section, subsection, or portion of this chapter, or the application thereof to any person or circumstance, is held to be invalid, it shall not affect the validity of the remainder of this chapter, or the validity of its application to other persons or circumstances.

(Ord. 26620 § 1; passed May 2, 2000)

CHAPTER 8.140
REGULATION OF PURCHASE/SALE OF EPHEDRINE

Sections:

8.140.010 Definitions.
8.140.020 Limitations on sales, purchases and possession.
8.140.030 Criminal penalties.
8.140.040 Civil penalties, license revocation, or suspension.
8.140.050 Annual review.
8.140.060 Severability.

8.140.010 Definitions.

The following definitions shall apply to this chapter:

A. Ephedrine: means any drug, substance, or compound, whether legal or illegal, that contains ephedrine hydrochloride, pseudoephedrine sulfate, pseudoephedrine hydrochloride, pseudoephedrine, or ephedrine, except all of the above in its liquid state.

B. Retailer: means any single geographic location of any retail business, company, corporation, person, employee, or associate who furnishes, distributes, sells, or gives away ephedrine.

C. Customer: means any person who knowingly purchases or acquires the products described in this chapter, or persons who are present for the purchase or acquisition of ephedrine.

D. Sell: means to knowingly furnish, give away, exchange, transfer, deliver, surrender, or supply, whether for monetary gain or not.

E. Count: means the number of pills, tablets, capsules, or individual units of a substance contained within an individual package, box, or container.

(Ord. 26668 § 1; passed Aug. 15, 2000)

8.140.020 Limitations on sales, purchases, and possession.

A. Limit on Sales. No retailer shall knowingly sell to a single customer, in any 24-hour period, more than three packages of a product containing ephedrine in counts of 48 or less per package, or containing a total weight of more than 3 grams of ephedrine per package. Ephedrine products may only be sold in packages containing a maximum count of up to 48.

B. Limit on Purchase. No customer shall purchase or acquire, in any 24-hour period, more than three packages of a product containing ephedrine in counts of 48 or less per package, or containing a total weight of more than 3 grams of ephedrine per package.

C. Limit on Total Possession. No person shall be in possession of more than 15 grams of ephedrine.

D. Exceptions.

1. That Sections 8.140.020.A, B, and C shall not apply to the sale, purchase, or possession of ephedrine dispensed by prescription as provided in RCW 69.41.

2. That Sections 8.140.020.B and C shall not apply to the purchase or possession of ephedrine by shopkeepers required to register under RCW 18.64.044.

(Ord. 26743 § 1; passed Dec. 5, 2000: Ord. 26668 § 1; passed Aug. 15, 2000)

8.140.030 Criminal Penalties.

Any person violating any of the provisions of this chapter is deemed guilty of a gross misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding $5,000, by imprisonment not to exceed one year, or by both fine and imprisonment.

(Ord. 26743 § 2; passed Dec. 5, 2000: Ord. 26668 § 1; passed Aug. 15, 2000)

8.140.040 Civil penalties, license revocation, or suspension.

Any retail business owner operating with a business license issued by the City of Tacoma who knowingly violates this chapter may be subject to the revocation or suspension of his/her business license. The process for seeking revocation or suspension shall be as set forth in Tacoma Municipal Code 6.02.070.

(Ord. 26668 § 1; passed Aug. 15, 2000)

8.140.050 Annual review.

This ordinance will be reviewed annually and will be repealed upon passage of comparable state legislation.

(Ord. 26668 § 1; passed Aug. 15, 2000)

8.140.060 Severability.

Should any provision, section, paragraph, sentence, or word of this chapter be rendered or declared invalid, by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this chapter shall remain in full force and effect.

(Ord. 26668 § 1; passed Aug. 15, 2000)

CHAPTER 8.150
PROHIBITION OF SEXUAL ENCOUNTER ESTABLISHMENTS

Sections:

8.150.010 Definitions.
8.150.020 Prohibition.
8.150.030 Criminal penalties.
8.150.040 Abatement.

8.150.010 Definitions.

The following definitions shall apply to this chapter:

A. "Sexual encounter establishment" shall mean an establishment, other than a hotel, motel, or similar establishment, to which the public or members of a membership club are invited or admitted, whether or not a membership fee, cover charge, or other consideration is required for admittance, offering as one of its business purposes public accommodations, which provides a place where two or more persons may:

1. Congregate, associate, or consort in connection with "sexual conduct" or the exposure of "specified anatomical areas"; or

2. Congregate, associate, or consort in connection with activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or when any part of a person's specified anatomical area is less than completely and opaquely covered. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state of Washington engages in sexual therapy.

B. "Specified anatomical areas" shall mean and include any of the following:

1. Human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolas; or

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

C. "Sexual conduct" shall mean acts of (1) sexual intercourse within its ordinary meaning; (2) any contact between persons involving the sex organs of one person and the mouth or anus of another; (3) masturbation, manual or instrumental, of oneself or of one person by another; or (4) touching of the sex organs or anus of oneself or of one person by another.

D. "Consideration" means the payment of money or the exchange of any item of value for:

1. The right to enter the business premises, or any portion thereof, or

2. The right to remain on the business premises, or any portion thereof, or

3. The right to purchase any item permitting the right to enter or remain on the business premises, or any portion thereof, or

4. The right to a membership permitting the right to enter or remain on the business premises, or any portion thereof.

E. "Operate and maintain" means to organize, design, perpetuate, or control. Operate and maintain includes providing financial support by paying utilities, rent, maintenance costs or advertising costs, supervising activities or work schedules, and directing or furthering the aims of the enterprise.

(Ord. 27342 § 1; passed Mar. 29, 2005)

8.150.020 Prohibition.

It shall be unlawful for any person to operate or maintain a sexual encounter establishment within the City of Tacoma.

Nothing in this section shall be construed to apply to the nonobscene presentation, showing, or performance of any play, drama, or ballet in any theater, concert hall, fine arts academy, school, institution of higher education, or similar establishment as a form of expression of opinion or communication of ideas or information, as differentiated from the promotion or exploitation of sex for the purpose of advancing the economic welfare of a commercial business enterprise.

(Ord. 27342 § 1; passed Mar. 29, 2005)

8.150.030 Criminal penalties.

Any person, firm, or corporation violating any of the provisions of this chapter is deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding $1,000, by imprisonment not to exceed 90 days, or by both fine and imprisonment.

(Ord. 27342 § 1; passed Mar. 29, 2005)

8.150.040 Abatement.

The City Attorney is authorized to abate violations of this chapter as public nuisances, pursuant to Chapter 7.48 of the Revised Code of Washington.

(Ord. 27342 § 1; passed Mar. 29, 2005)

CHAPTER 8.160
STAY OUT OF DRUG AREAS (SODA) ORDERS – VIOLATION

Sections:
8.160.005 Enforcement priority.

A. Certain areas of the City shall be designated as and identified to be anti-drug activity emphasis areas based on the repeat incidents of narcotics-related activities occurring therein, and additional penalties may be applied in the event of conviction of City or state laws within said areas. The areas to be so designated shall be identified by the City Council in a resolution passed after consultation with the City Manager, City Attorney, and the chief law enforcement officer of the City, and the list identifying such areas shall be kept on file in the office of the City Clerk. Additional areas may also be identified by the Municipal Court hearing drug-related cases arising from within the City limits.

B. Stay Out of Drug Areas orders, hereafter known as "SODA orders," may be issued by the Tacoma Municipal Court as a condition or term of sentence, deferral, or suspension to any person convicted of prohibited narcotics-related offenses contrary to any provision of the Tacoma Municipal Code ("TMC"). Further, the court may issue a SODA order as a condition of release pending disposition of a narcotics-related offense.

C. A person is deemed to have notice of the SODA order when:

1. The signature of the person prohibited in the order is affixed to the bottom of the order, acknowledging receipt of the order; or

2. The order otherwise indicates that either the person or the person's attorney appeared before the court.

D. The SODA order shall be in writing and shall bear the following language: "Violation of this court order is a criminal offense under TMC 8.160 and will subject the violator to arrest."

E. If a law enforcement officer has probable cause to believe that a person subject to the conditions of a SODA order is violating or failing to comply with any requirement or restriction imposed by the court, such person may be apprehended and arrested without the necessity for any warrant or additional court order.

F. A violation of a SODA order shall constitute a misdemeanor. Upon conviction, any person so violating the terms and conditions of the SODA order shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than 90 days, or by a fine in an amount fixed by the court of not more than $1,000, or by both such imprisonment and fine.

(Ord. 27513 § 1; passed Aug. 1, 2006)

8.160.005 Enforcement priority.

The police chief and city attorney shall make the investigation, arrest, and prosecution of cannabis (a/k/a "marijuana") offenses the lowest enforcement priority, as this term may be defined in their policies and procedures manuals, for adult personal use.

(City of Tacoma Initiative 1; General Election Nov. 8, 2011)

CHAPTER 8.170
STAY OUT OF AREAS OF PROSTITUTION (SOAP) ORDERS – VIOLATION

A. Certain areas of the City shall be designated as and identified to be anti-prostitution emphasis areas based on the repeat incidents of prostitution activities occurring therein, and additional penalties may be applied in the event of conviction of unlawful acts of prostitution, prostitution loitering, permitting prostitution or pandering, or patronizing a prostitute within said areas. The areas to be so designated shall be identified by the City Council in a resolution passed after consultation with the City Manager, City Attorney, and the chief law enforcement officer of the City, and the list identifying such areas shall be kept on file in the office of the City Clerk. Additional areas may also be identified by the Municipal Court hearing prostitution cases arising from within the City.

B. Stay Out of Areas of Prostitution orders, hereafter known as "SOAP orders," may be issued by the Tacoma Municipal Court as a condition or term of sentence, deferral, or suspension to any person convicted of prohibited acts of prostitution or a prostitution-related offence contrary to any provision of Tacoma Municipal Code ("TMC") 8.46.

C. A person is deemed to have notice of the SOAP order when:

1. The signature of the person prohibited in the in the order is affixed to the bottom of the order, acknowledging receipt of the order; or

2. The order otherwise indicates that either the person or the person's attorney appeared before the court.

D. The SOAP order shall be in writing and shall bear the following language: "Violation of this court order is a criminal offense under TMC 8.160 and will subject the violator to arrest."

E. If a law enforcement officer has probable cause to believe that a person subject to the conditions of a SOAP order is violating or failing to comply with any requirement or restriction imposed by the court, such person may be apprehended and arrested without the necessity for any warrant or additional court order.

F. A violation of a SOAP order shall constitute a misdemeanor. Upon conviction, any person so violating the terms and conditions of the SOAP order shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than 90 days, or by a fine in an amount fixed by the court of not more than $1,000, or by both such imprisonment and fine.

(Ord. 27514 § 1; passed Aug. 1, 2006)