



TO: T.C. Broadnax, City Manager
FROM: Elizabeth Pauli, City Attorney, City Attorney's Office *ead*
Keith A. Echterling, Assistant City Attorney, City Attorney's Office *KAE*
SUBJECT: Ordinance - Amending TMC 8.66.120, .130, and .140, relating to air guns and slingshots – September 22, 2015
DATE: August 31, 2015

SUMMARY:

Tacoma Municipal Code ("TMC") 8.66.120 prohibits carrying or shooting or discharging any air gun, air rifle B-B gun, or slingshot in the City of Tacoma and any person engaging in this conduct is guilty of a misdemeanor offense, punishable by up to 90 days in jail and/or a \$1,000 fine. Under TMC 8.66.130 a parent or guardian of a child under the age of 18 years who knowingly permits such child to engage in conduct prohibited by TMC 8.66.120 is also guilty of a misdemeanor. TMC 8.66.140 provides for confiscation and destruction of a weapon used in violation of TMC 8.66.120. The proposed amendments would decriminalize the simple possession of an air gun, air rifle, BB gun, or slingshot in the City, but would maintain the illegality of shooting or discharging such weapons in the City as currently proscribed. However, the amendment would also provide for a limited exception for the discharge of air guns if done in an indoor, licensed business facility. The proposed amendment was forwarded for full Council consideration by the Public Safety, Human Services, and Education Committee contingent on submission of additional recommendations, including a title change for TMC 8.66.120 and removing a portion of TMC 8.66.140; those additional proposals are contained herein.

STRATEGIC POLICY PRIORITY:

- Strengthen and support public safety, human services, public education, and diverse higher learning opportunities in Tacoma.

BACKGROUND:

TMC 8.66.120 makes it a misdemeanor offense to carry, shoot, or discharge any air gun, air rifle, B-B gun, or slingshot in the City of Tacoma. The proposed amendment to TMC 8.66.120 would accomplish three objectives: (1) it would decriminalize the mere possession of such items; (2) it would preserve the misdemeanor offense of discharging or shooting such items in the City; but (3) it would create an exception for shooting or discharging any air gun, air rifle, or BB gun for recreational purposes in a licensed, indoor business facility. Such use would only comport with the proposed exception if it did not endanger persons or property, or create a public or private nuisance. Amending TMC 8.66.120 would also permit business licenses to be granted for indoor, recreational air gun use; a business has previously applied for such license but the license could not be granted due to the current illegality of the proposed use.



Decriminalizing the possessory portion of TMC 8.66.120 necessitates amending the similar portions of TMC 8.66.130 and TMC 8.66.140 to remove the portions of those ordinances that refer to the illegal carrying of such items. The proposed redactions are contained in Attachment "A". Lastly, by rendering possession *legal* the title of TMC 8.66.120 would no longer be descriptive of the prohibited conduct. Therefore, it is recommended that TMC 8.66.120 be re-titled as "8.66.120 Discharge of air guns and slingshots prohibited – Exception." The proposed title change is contained in Attachment "A". The proposed changes to TMC 8.66.120 and .130 were presented to the Public Safety, Human Services, and Education Committee ("PSHSE") on August 27, 2015. PSHSE voted to forward the proposal for full Council consideration contingent on including a recommendation to change the title of TMC 8.66.120 and striking language contained in TMC 8.66.140.

ISSUE:

Amending the TMC to decriminalize possession of air guns, air rifles, BB guns, and slingshots under TMC 8.66.120; altering the title of TMC 8.66.120 to reflect the proposed changes; maintaining the misdemeanor offense of shooting or discharging such items in the city limits; providing for an exception to the general prohibition of shooting or discharging such items if the air gun, air rifle, or BB gun is used in an indoor, licensed business facility and such use does not create a danger or nuisance; and amending TMC 8.66.130 and .140 to remove language relating to carrying such items.

ALTERNATIVES:

The City could retain current status and continue to prohibit the possession and use of such items.

FISCAL IMPACT:

There is no fiscal impact.

RECOMMENDATION:

Staff recommends that the City Council pass the proposed TMC amendments.