



City of Tacoma

City Council Action Memorandum

TO: Elizabeth Pauli, City Manager
FROM: Christina Caan, Policy Analyst, City Manager's Office
Melanie Harding, Assistant to the City Manager, City Manager's Office
COPY: City Council and Council Clerk
SUBJECT: Ordinance to amend 17.02.140 and 8.12.060 of the Municipal Code, relating to Animal Noise
- November 28, 2023
DATE: November 21, 2023

SUMMARY AND PURPOSE:

An ordinance amending 17.02.140 and 8.12.060 of the Tacoma Municipal Code (TMC), relating to animal noise, to require an increase in the number of people submitting complaints to Animal Control and Compliance to three or more before enforcement of an unlawful action; and to remove the criminal misdemeanor charge for public disturbance and public nuisance noise made by an animal.

COUNCIL SPONSORS:

Council Member John Hines, Council Member Olgy Diaz, and Council Member Sarah Rumbaugh

BACKGROUND:

TMC 17.02.140 currently states that it is unlawful for “any animal which by its barking, howling, baying, squealing, crowing, crying, bleating, screeching, whining, or making any other noise, by its volume or frequency, unreasonably disturbs or interferes with the peace of any person(s), for more than 15 minutes in any one-hour period of any day, and is documented by three or more separate episodes of such noise in a sequential seven-day period.” As written, the animal noise complaint noted in the TMC can be reported by one person.

Animal Control and Compliance receives an average of 635 individual animal noise complaints per year. However, around 70 percent of these complaints are ultimately deemed invalid. This is in part because a number of complaints are determined to be driven by punitive and escalatory behavior among individual neighbors, rather than genuine unlawful animal noise concerns. To remedy this situation and ensure a more effective use of Animal Control and Compliance resources, the proposed ordinance would amend TMC 17.02.140 to increase the number of people from one person(s) to three or more persons, each residing at separate residences in the same community or neighborhood.

TMC 8.12.060 currently sets the penalty for public disturbance and public nuisance noise made by an animal at a criminal misdemeanor charge. A criminal misdemeanor penalty can include up to ninety days in jail and is generally aimed at crimes that have a broader impact on the community, such as prostitution and some types of theft. The impacts of animal noise issues, especially in situations where the pet owner is unaware the noise is occurring, are not equivalent to these other types of criminal misdemeanor charges, making the penalty an extreme step for managing animal noise issues. The proposed amendment to TMC 8.12.060 would remove the inclusion of animal noises as a misdemeanor. Civil penalties are not impacted by this ordinance and will continue to remain in place.

Overall, the proposed amendments will help ensure that Animal Control and Compliance resources are used more effectively in our community. This ordinance will not impact Animal Control and Compliance's ability to evaluate or enforce animal cruelty cases. Animal Control and Compliance will continue to respond by letter and in-person to complaints before enforcement action from statements.



COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

Residents shared concerns with Council Member John Hines about the ability of only one person to create an animal noise complaint and the associated criminal misdemeanor penalty. Animal Control and Compliance and the City Attorney’s office also provided a presentation with their research and insights on animal noise complaints to the Infrastructure, Planning, and Sustainability Committee, who voted unanimously to bring these amendments to the City Council.

2025 STRATEGIC PRIORITIES:

Equity and Accessibility: Communities of color tend to be more likely to face criminal charges and are incarcerated at higher rates than white residents in Washington State.¹ By amending 17.02.140 and 8.12.060 in the Municipal Code we will reduce the potential for an unfair criminal penalty being imposed disproportionately on communities of color related to animal noise.

Civic Engagement: *Equity Index Score:* Moderate Opportunity
Increase the percentage of residents who believe they are able to have a positive impact on the community and express trust in the public institutions in Tacoma.

Livability: *Equity Index Score:* Moderate Opportunity
Increase positive public perception of safety and overall quality of life.

Residents who expressed concern about the current code to Council Members and City staff will see the City taking action to address a community issue. In addition, the ordinance will increase trust in public institutions by removing excessively punitive criminal penalties. The ordinance will also increase the public’s perception of safety and overall quality of life by reducing invalid complaints and more effectively using Animal Control and Compliance resources.

ALTERNATIVES:

Presumably, your recommendation is not the only potential course of action; please discuss other alternatives or actions that City Council or staff could take. Please use table below.

Alternative(s)	Positive Impact(s)	Negative Impact(s)
1. Do not adopt ordinance	Animal Control and Compliance will continue to abide by the current code.	Animal Control and Compliance resources will continue to be used to manage a large volume of invalid complaints.

EVALUATION AND FOLLOW UP:

If approved, Animal Control and Compliance would continue to track and respond to animal noise violations.

STAFF/SPONSOR RECOMMENDATION:

Sponsors recommend Council pass this ordinance.

¹ [Race and Washington's Criminal Justice System: 2021 Report to the Washington Supreme Court \(racism.org\)](https://www.racism.org/)



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FISCAL IMPACT:

Public education of this policy change would require minimal City resourcing. Minimal staff time would include posting the updated code to City websites. Enforcement will continue to be managed by existing Animal Control resources.

Are the expenditures and revenues planned and budgeted in this biennium's current budget?

There are no new expenditures planned to support this ordinance and the staff time for implementation is already covered by planned and budgeted resources.

Are there financial costs or other impacts of not implementing the legislation?

No

Will the legislation have an ongoing/recurring fiscal impact?

No

Will the legislation change the City's FTE/personnel counts?

No

ATTACHMENTS:

- Exhibit A and B