



**CITY OF TACOMA, WASHINGTON
OFFICE OF THE CITY COUNCIL
COUNCIL CONSIDERATION REQUEST**

TO: Mayor and City Council
FROM: Deputy Mayor John Hines and Policy Analyst Christina Caan
COPIES TO: Elizabeth Pauli, City Manager; Chris Bacha, City Attorney
SUBJECT: **Ordinance to amend 8.12.150 of the Municipal Code to revise Tacoma’s littering and illegal dumping penalties and definitions**
DATE: April 3, 2024

I ask for your support to advance an ordinance amending the Tacoma Municipal Code (TMC) 8.12.150 to create alignment with Washington state law regarding littering and illegal dumping penalties and definitions.

LEGISLATIVE INTENT

The City of Tacoma’s solid waste utility provides garbage, recycling, and yard/food waste services for more than 50,000 single-family homes and numerous multifamily, business, and industrial customers. In addition, the utility operates a full-service transfer station, with a recycling center and household hazardous waste collection facility, as well as a residential bulk item disposal service. Despite the robust availability of diverse City services and a comprehensive waste disposal infrastructure, littering and illegal dumping are pervasive in Tacoma. In 2023, the City removed more than 4.9 million lbs. of litter, illegal dumping, and garbage from public areas.¹

TMC 8.12.150—the City’s main littering ordinance—currently provides that a violation is a criminal misdemeanor and that upon conviction, a violator is subject to a fine of \$50.00, regardless of the amount or type of litter. In other words, the penalty for littering one soda can is the same as illegally dumping a truckload of soda cans under the current code. The littering ordinance also lacks any definition or specific penalty for potentially dangerous litter, such as glass, nails, or burning tobacco products that are a fire hazard.

The proposed ordinance would amend TMC 8.12.150 to mirror the new littering and illegal dumping code, recently adopted under Engrossed Substitute House Bill (ESHB) 2207 and codified in the Revised Code of Washington (RCW).² Aligning with the RCW will provide the ability to convert all but the most egregious illegal dumping acts from a criminal penalty to a natural resource infraction and apply an escalating scale for the infractions based on the amount of litter and the level of danger to public health and safety the litter poses. The proposed enforcement system aims to shift away from a reliance on the criminalization of small-scale littering to increase deterrence, spur positive behavior change, and avoid overstraining the resources of the criminal justice system.

The proposed amendments for TMC 8.12.150 would include:

- Creating “natural resource infractions” for litter in an amount greater than one cubic foot but less than 10 cubic yards as an alternative to a criminal misdemeanor charge, as follows:

¹ [Tidy Up Tacoma Data Summary | Tableau Public](#)

² [WA ESHB2207 | 2023-2024 | Regular Session | LegiScan](#)

- Up to \$250 for a person found liable of littering between one cubic foot and one cubic yard of material;
- Up to \$750 for a person found liable of littering more than one cubic yard and less than seven cubic yards of material; and
- Up to \$1,000 for a person found liable of littering between seven and 10 cubic yards of material.
- Removing the current criminal misdemeanor penalty for littering less than one cubic foot.
- Creating a gross misdemeanor penalty for littering and illegal dumping in an amount that is greater than 10 cubic yards.
- Requiring a person found guilty of littering to pay a litter clean-up restitution payment equal to four times the actual cost of cleanup for national resource infractions and misdemeanors and two times the actual cost of cleanup for gross misdemeanors. In addition, the court shall distribute an amount of the litter cleanup restitution payment that equals the actual cost of cleanup to the landowner where the littering incident occurred and the remainder of the restitution payment to the law enforcement agency investigating the incident.
- Creating an option for the court to order the person to pick up and remove litter from the property in addition to or in lieu of part or all of the cleanup restitution payment.
- Adopting the RCW’s definition of “potentially dangerous litter” and adding the penalty of a class 1 civil infraction for this type of litter. “Potentially dangerous litter” is defined as litter that is likely to injure a person or cause damage to a vehicle or other property, including:
 - Cigarettes, cigars, or other tobacco products that are capable of starting a fire;
 - Glass;
 - A container or other product made predominantly or entirely of glass;
 - A hypodermic needle or other medical instrument designed to cut or pierce;
 - Raw human waste, including soiled baby diapers, regardless of whether the waste is in a container of any sort; and
 - Nails or tacks.

Washington State has previously used high civil penalties to successfully change littering behavior. Litter survey and phone survey data showed the “Litter and It Will Hurt” campaign, which ended in 2009 and highlighted steep penalties for littering, successfully raised awareness, altered beliefs about the likelihood of getting caught littering, and decreased littering behavior.³ The campaign is the most well-known and comprehensive in Washington state’s history and it resulted in a twenty-five percent decline in roadway litter in the first two years and took four million pounds of litter off the road.⁴ Updating the TMC to mirror the RCW regarding littering and illegal dumping would enable Tacoma to craft a public education campaign highlighting the new penalties to more effectively and efficiently incentivize positive public behavior changes.

DESIRED ORDINANCE DATE: April 23, 2024

COMMUNITY ENGAGEMENT/ (CUSTOMER RESEARCH)

Residents in Tacoma frequently express concerns about litter and illegal dumping to City officials. In fact, twenty percent of the top ten Tacoma FIRST 311 requests in the past decade have involved garbage, debris, and illegal dumping.⁵ In addition, litter-related Tacoma FIRST 311 requests on

³ [50 years of litter pickup and prevention - Washington State Department of Ecology](#)

⁴ [50 years of litter pickup and prevention - Washington State Department of Ecology](#)

⁵ [City of Tacoma - File #: 23-0762 \(legistar.com\)](#)

public property have been escalating for the past decade, underscoring the need to shift the enforcement system.

Deputy Mayor John Hines presented this code change proposal to the Government Performance and Finance Committee on November 11, 2023, and February 6, 2024. GPFC voted unanimously to move this proposal forward to the full Council.

2025 STRATEGIC PRIORITIES

Equity and Accessibility: While large-scale littering and illegal dumping takes place across Tacoma, the Tacoma FIRST 311 requests for 2023 show that illegal dumping tends to be more concentrated in low equity areas of the city.⁶ In addition, litter hot spots that required multiple Community Service Work Crew cleanups frequently occurred in lower equity locations such as South Hosmer Street, Tacoma Mall Boulevard South, Center Street, East Portland Avenue, South/East 56th Street, East McKinley Avenue, and South Tacoma Way. By better incentivizing positive public behaviors, this proposed ordinance would aim to help further protect the health, safety, and environment in low equity neighborhoods.

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.
Improve health outcomes and reduce disparities, in alignment with the community health needs assessment and CHIP, for all Tacoma residents

Littering raises public health, public safety, and environmental concerns for community members. Not only does litter often include items that can carry germs and diseases, create fire hazards, harm people, and attract pests or rodents, but the presence of litter can also contribute to negative perceptions of safety and well-being. Tacoma’s proximity to the Puget Sound also creates environmental concerns regarding litter because littered items can pollute local waters and harm animals and marine life.⁷ This proposed ordinance aims to decrease littering and illegal dumping behavior in Tacoma, creating healthier, cleaner, and safer neighborhoods for all.

ALTERNATIVES

Alternative	Positive Impacts	Negative Impacts
Maintain current TMC littering code.	Current laws remain in place.	Littering and illegal dumping are likely to continue on the current escalating trajectory, costing the City greater expense and staff time to manage.
Align with RCW on littering and illegal dumping.	Adjusting the penalties is likely to assist with deterrence and generating	Enforcement of littering penalties may be limited by current City resources.

⁶ [Tidy Up Tacoma Data Summary | Tableau Public](#)

⁷ [Prevent Stormwater Pollution - City of Tacoma](#)

	additional public behavior changes.	
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EVALUATIONS AND FOLLOW UP

If approved, the code updates would be published on relevant City websites and shared with relevant departments, such as the Tacoma Police Department.

SPONSOR RECOMMENDATION

Sponsors recommend advancing this ordinance.

FISCAL IMPACT

Aligning the TMC with the RCW on littering and illegal dumping would require minimal resources and staff time. Staff in Environmental Services are already conducting public education on the City’s waste disposal services, as well as anti-littering through Tidy-Up Tacoma, and would be able to incorporate information about the updated code into their current messaging. Tacoma could also use any new educational materials the Washington Department of Ecology creates to publicize the new RCW changes under ESHB 2207, enabling Tacoma to capitalize on the State’s educational efforts.

If you have a question related to the Council Consideration Request, please contact Christina Caan, Policy Analyst, at (253) 219-0679 or ccaan@cityoftacoma.org.

SUBMITTED FOR COUNCIL CONSIDERATION BY: 
Deputy Mayor John Hines

SUPPORTING COUNCIL MEMBERS SIGNATURES

1.  POS# 2

2.  POS# 5

Mayor’s initials: 