



ORDINANCE NO. 28922

1 BY REQUEST OF COUNCIL MEMBERS DIAZ, HINES, AND RUMBAUGH
 2 AN ORDINANCE amending Title 17 and Title 8 of the Municipal Code, relating
 3 to Animal Control and Public Safety, by amending Section 17.02.140,
 4 entitled "Public disturbance noise and public nuisance noise made by an
 5 animal", and 8.12.060, entitled "Public disturbance noises", to revise
 6 requirements for enforcement of an unlawful action and to remove the
 7 criminal misdemeanor charge for public disturbance and public nuisance
 8 noise made by an animal.

9 WHEREAS currently, Tacoma Municipal Code ("TMC") Section
 10 17.02.140 states that it is unlawful for "any animal which by its barking,
 11 howling, baying, squealing, crowing, crying, bleating, screeching, whining, or
 12 making any other noise, by its volume or frequency, unreasonably disturbs or
 13 interferes with the peace of any person(s), for more than 15 minutes in any
 14 one-hour period of any day, and is documented by three or more separate
 15 episodes of such noise in a sequential seven-day period," meaning the animal
 16 noise complaint noted can be reported by one person, and

17 WHEREAS Animal Control and Compliance receives an average of 635
 18 individual animal noise complaints per year and around 70 percent of these
 19 complaints are ultimately deemed invalid in part because a large number are
 20 driven by punitive and escalatory behavior among individual neighbors, rather
 21 than genuine unlawful animal noise concerns, and

22 WHEREAS to ensure a more effective use of Animal Control and
 23 Compliance resources, the proposed amendment would increase the number of
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complainants from one person(s) to three or more persons, each residing at
1 separate residences in the same community or neighborhood, and

2 WHEREAS currently, TMC Section 8.12.060 sets the penalty for public
3 disturbance and public nuisance noise made by an animal at a criminal
4 misdemeanor charge, and a criminal misdemeanor penalty can include up to
5 ninety days in jail and is generally aimed at crimes that have a broader impact
6 on the community, such as prostitution and some types of theft, and
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8 WHEREAS the impacts of animal noise issues, especially in situations
9 where the pet owner is unaware the noise is occurring, are not equivalent to
10 these other types of criminal misdemeanor charges, making the criminal penalty
11 an extreme step for managing animal noise issues, and
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13 WHEREAS the proposed amendment to TMC Section 8.12.060 would
14 remove the inclusion of animal noises as a misdemeanor and maintain only the
15 civil penalty, which is not impacted by this ordinance and will continue to remain
16 in place, and
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18 WHEREAS furthermore, the proposed amendments would reduce the
19 potential for an unfair criminal penalty being imposed disproportionately on
20 communities of color related to animal noise¹; Now, Therefore,

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22 BE IT ORDAINED BY THE CITY OF TACOMA:

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



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Section 1. That Title 17 of the Municipal Code (“TMC”) is hereby amended, by amending Section 17.02.140, entitled “Public disturbance noise and public nuisance noise made by an animal”, as set forth in Exhibit “A.”

Section 2. That Title 8 of the TMC is hereby amended, by amending Section 8.12.060, entitled “Public disturbance noises”, as set forth in Exhibit “B.”

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

Chapter 17.02
ANIMAL CONTROL

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- Sections:
17.02.010 Animals at large on public grounds.
17.02.020 Animals at large on private property.
17.02.030 Stray dog, cat, or animal.
17.02.40 Confinement of female dogs and cats in heat.
17.02.41 Roosters prohibited.
17.02.050 Dogs off premises to be on leash.
17.02.060 Dogs chasing vehicles on public roads.
17.02.70 Confinement of an animal in a motor vehicle.
17.02.71 Removal of animals for feeding - Examination - Notice - Euthanasia - Adoption by reference.
17.02.080 Dogs jumping and/or threatening pedestrians.
17.02.90 Animals injuring humans, domestic animals, or livestock - gross misdemeanor.
17.02.91 Rabies notification.
17.02.100 Directing dog to harass or attack - gross misdemeanor.
17.02.110 Directing dog to harass or attack public officer - gross misdemeanor - minimum mandatory.
17.02.120 Use of dog in illegal activity prohibited - gross misdemeanor.
17.02.130 Animals injuring private or public property - infraction or misdemeanor.
17.02.132 Removal of animal waste.
17.02.140 Public disturbance noise and public nuisance noise made by an animal.
17.02.150 Sale or transfer of animals in public places prohibited.
17.02.160 Violations - Civil infraction.

* * *

17.02.140 Public disturbance noise and public nuisance noise made by an animal.

Any public disturbance noise made by an animal is unlawful and may be enforced under the provisions of TMC Sections

8.12.060 and 8.12.065 or as a civil infraction under this section.

A. When animal noise is prosecuted as a crime, the terms of TMC 8.12.060 and 8.12.065 shall govern.

B. When animal noise is treated as a civil infraction, the following is a violation:

1. 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 three or more persons, each residing at separate residences in the same community or neighborhood 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. The burden is upon the owner of such animal(s) to maintain quiet.

2. B. Exceptions to this subsection are poultry kept in accordance with TMC 5.30.010, commercial pet facilities, animal welfare facilities, veterinary hospitals, or grooming parlors otherwise in compliance with the Tacoma Municipal Code, or those who can substantiate that such animal noise was caused by an



injury or illness of the animal(s) or by willful trespass, torment, or abuse of the animal(s) on its property by others.

1 3. C. Enforcement may be undertaken only upon written receipt of a complaint made to either the animal
2 control authority or law enforcement by three or more persons ~~a person(s) residing at or who is~~
3 ~~employed in an area~~ affected by such public noise disturbance as described in subsection 1. Any such
4 animal(s) shall be deemed a nuisance and may be seized and impounded if the disturbance reoccurs
after the owner or custodian of such animal(s) has received two written warnings, two notices of civil
infraction, or a written warning and a notice of civil infraction from either the animal control authority
or law enforcement within a calendar year.

5 4. D. Animal noise violations under this chapter are a Class 1 civil infraction.

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EXHIBIT “B”

**CHAPTER 8.12
DISORDERLY CONDUCT**

* * *

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.~~



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