



# ORDINANCE NO. 28205

1 AN ORDINANCE relating to public safety and morals; amending Chapter 8.44 of  
 2 the Tacoma Municipal Code by enacting a new Section 8.44.160, entitled  
 3 "Criminal Mischief," to adopt the changes to RCW 9A.84.010, changing the  
 crime of "Riot" to the crime of "Criminal Mischief."

4 WHEREAS Substitute Senate Bill No. 5021, which became effective  
 5 January 1, 2014, amends Section 9A.84.010 of the Revised Code of Washington  
 6 ("RCW"), changing the crime of "Riot" to the crime of "Criminal Mischief," and  
 7

8 WHEREAS the City must adopt the change in order to ensure compatibility  
 9 with state law and enable enforcement within the City of Tacoma; Now, Therefore,

10 BE IT ORDAINED BY THE CITY OF TACOMA

11 Section 1. That Chapter 8.44 of the Tacoma Municipal Code is hereby  
 12 amended by enacting a new Section 8.44.160, entitled "Criminal Mischief," to  
 13 adopt the changes to RCW 9A.84.010, changing the crime of "Riot" to the crime of  
 14 "Criminal Mischief," as set forth in the attached Exhibit "A."  
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16 Passed \_\_\_\_\_  
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18 \_\_\_\_\_  
 Mayor

19 Attest:  
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 21 \_\_\_\_\_  
 City Clerk

22 Approved as to form:  
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 24 \_\_\_\_\_  
 25 Deputy City Attorney  
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EXHIBIT "A"

Chapter 8.44

PROPERTY – OFFENSES AGAINST

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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- 8.44.050 *Repealed*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- 8.44.150 *Repealed.*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.

**8.44.010 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.

**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.

**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.

**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.



**8.44.050 Library – Penalty for violation of Sections 8.44.020 - 8.44.040. *Repealed by Ord. 27842***

**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.

**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.

**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."

**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.

**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.

**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.



**8.44.100 Utilities property – Light plant.**

1 It is unlawful for any person to, in any manner, injure, mutilate, destroy, remove, disconnect, or in any wise  
2 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.

**8.44.110 Utilities property – Reward.**

3 The Director of Utilities is hereby authorized to offer, and the proper officers of the City are authorized to  
4 pay, a reward of \$10.00 out of the Light Fund to any person who shall furnish information to the Director  
5 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.

**8.44.120 Utilities property – Water main bridges.**

6 It is unlawful for any person to walk upon or use as a passageway any bridge or structure erected for the  
7 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.

**8.44.130 Malicious Mischief in the Third Degree.**

8 RCW 9A.48.090, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth  
9 herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is  
10 excluded.

**8.44.140 Malicious Mischief – “Physical damage” defined.**

11 RCW 9A.48.100, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth  
12 herein.

**8.44.150 Violation – Penalties. *Repealed by Ord. 27842.***

**8.44.160 Criminal Mischief.**

13 RCW 9A.84.010, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth  
14 herein, including penalties; except, that conduct constituting a felony, as determined by the prosecutor, is  
15 excluded.

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