



TO: Elizabeth Pauli, City Manager
FROM: Deputy Mayor John Hines and Christina Caan, Policy Analyst, City Manager's Office
COPY: City Council and City Clerk
SUBJECT: Ordinance to amend 8.12.150 of the Municipal Code to revise Tacoma's littering and illegal dumping penalties and definitions
DATE: April 17, 2024

SUMMARY AND PURPOSE

An ordinance amending the Tacoma Municipal Code (TMC) 8.12.150 to revise Tacoma's littering and illegal dumping penalties and definitions.

COUNCIL SPONSORS

Deputy Mayor John Hines, Council Member Joe Bushnell, and Council Member Sarah Rumbaugh

BACKGROUND

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 reflect the tiered structure of escalating penalties based on the amount and type of litter under the recently adopted Engrossed Substitute House Bill (ESHB) 2207 and codified in the Revised Code of Washington (RCW).² Doing so would remove the criminal penalty for smaller-scale littering and convert the most egregious and large-scale illegal dumping acts to a gross misdemeanor. Littering violations that are greater than one cubic foot but less than 10 cubic yards would also have the ability to defer to state law to enact natural resource infractions rather than a criminal penalty. 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.

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

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



The proposed amendments for TMC 8.12.150 would include:

- 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.
- Removing the current criminal misdemeanor penalty for littering less than one cubic foot and replacing it with a class 3 civil infraction.
- Maintaining the misdemeanor penalty for littering more than one cubic foot but less than 10 cubic yards, with the option to defer to state law. State law offer the opportunity to issue 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:
 - 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.
- 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 natural 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.

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-

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



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 reflect the RCW escalating scale 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.

COMMUNITY ENGAGEMENT

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 regarding garbage, debris, and illegal dumping on 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 (GPFC) 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.

How does your policy, program, or service help or harm the health of the natural environment?² (e.g. reduction in carbon emissions, open space conditions, sustainability, clean air, water and soil, and noise and light pollution).

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

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

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

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



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.
Create greater penalties than RCW.	Adjusting the penalties is likely to assist with deterrence and generating additional public behavior changes.	Enforcement of littering penalties greater than the RCW may be limited by current City resources.

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

Updating the TMC would require minimal resources and staff time. In addition, 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 public 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.

What Funding is being used to support the expense?

N/A

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



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

N/A

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:

None