



**TO:** T.C. Broadnax, City Manager  
**FROM:** Elizabeth A. Pauli, City Attorney, City Attorney’s Office  
Christopher D. Bacha, Chief Deputy City Attorney, City Attorney’s Office *CB*  
**COPY:** City Council and City Clerk  
**SUBJECT:** Ordinance amending Tacoma Municipal Code Chapter 1.22 (Police Courts); repealing Chapter 1.80 (Youth Building Tacoma Training and Employment Program); repealing Chapter 2.14 (Weights and Measures); repealing Chapter 8.26 (Medicines and Drugs; Samples); repealing Chapter 8.48 (Slot and Pinball Machines); repealing Chapter 9.14 (Railroad Trains); repealing Chapter 9.28 (Pedestrian Mall); repealing Chapter 12.12 (Transit System – Rates, Fares and Charges ); and, repealing Title 15 (Airports) – for Council meeting of **May 24, 2016**  
**DATE:** May 6, 2016

**SUMMARY:**

Regarding the proposed enactment of an ordinance amending and repealing certain titles, chapters, and sections of the Tacoma Municipal Code (“TMC”). The purpose of the ordinance is to repeal certain titles, chapters, and sections of the TMC that have been identified as no longer serving important public health, safety and welfare interests because the subject matter is otherwise regulated under state or federal law or other provisions of the TMC or because the content does not require legislative action or codification.

**STRATEGIC POLICY PRIORITY:**

- Ensure all Tacoma residents are valued and have access to resources to meet their needs.
- Encourage and promote an efficient and effective government, which is fiscally sustainable and guided by engaged residents.

The proposed ordinance will support the City’s efforts to convert the TMC to a user-friendly and searchable electronic format that will be more accessible to the public.

**BACKGROUND:**

In the summer of 2015, the City Manager directed the City Attorney to commence a comprehensive review and update of the TMC. This directive was given in anticipation of contracting with a third-party vendor to convert the existing TMC to a searchable, user-friendly electronic format. Once the TMC has been converted to this new format, future amendments will be incorporated by the third-party vendor as part of the vendor’s service agreement.

The purpose of the Comprehensive Municipal Code Update Initiative is to minimize the expense of the conversion and future amendments. This goal will be accomplished through an ongoing comprehensive review of the TMC to identify amendments that will meet any one or more of the following criteria: (1) reduce the size of the TMC, (2) update the TMC to conform to existing law and policy, (3) identify and remove provisions that would unnecessarily require future amendments, (4) correct grammatical errors and inconsistencies, and (5) implement planned and reasonably foreseeable amendments. The proposed ordinance meets the first and second criteria listed above.



The proposed ordinance would repeal five chapters and one title of the TMC that are obsolete, repeal another chapter that does not require legislative enactment or codification, and amend another chapter by removing all but one provision.

TMC Chapter 1.22 (Police Judge) was enacted in 1953 and provides for the appointment of an elected justice of the peace as police judge for the City of Tacoma. Since 1961 the TMC has operated under authority of Revised Code of Washington (“RCW”) 3.46.015 and former Chapter 3.46 RCW as a municipal department of the District Court. The provisions of TMC Chapter 1.22 no longer have application and are unnecessary with the exception of TMC 1.22.050, which prescribes the days and hours for operation of the Municipal Court. The ordinance would repeal all sections of TMC Chapter 1.22 with the exception of TMC 1.22.050.

In 1997, the City Council enacted an ordinance establishing the Youth Building Tacoma Training and Employment Program, codified at TMC Chapter 1.80. The intent of the program is to “provide opportunities to Tacoma youth for the training and education necessary for the formation of a highly training and capable work force” and it is administered by the Neighborhood and Community Services Department (“NCS”). One of the purposes of the Comprehensive Municipal Code Update Initiative is to identify and remove provisions from the TMC which do not require legislative action or codification. This program does not require legislative authorization or codification within the TMC. If the City Council should approve this ordinance, NCS will propose a resolution for City Council consideration to make clear that the repeal is not intended to, and will not, affect the program.

TMC Chapter 2.15 was enacted in 1959 to establish a system of weights and measures in the City of Tacoma to be enforced by the City Sealer and inspectors of weights and measures. The City no longer employs a City Sealer or any inspectors. Under state law, the state Department of Agriculture is responsible for implementing and enforcing statewide a system of weights and measures. This program is intended to ensure the accuracy of weighing and measuring instruments and devices used in commerce in order to safeguard the consuming public and to ensure that businesses receive proper compensation for the commodities they deliver. TMC Chapter 2.15 is therefore obsolete.

TMC Chapter 8.26 was enacted in 1901 to regulate the distribution of samples of drugs or medicines, which practices are now regulated by the Department of Health pursuant to Chapter 69.45 RCW. This chapter of the TMC is obsolete and unnecessary.

TMC Chapter 8.48 was enacted in 1956 when pinball machines were considered gambling devices. The current statutory definition of gambling device (RCW 9.46.0241) generally exempts pinball and similar machines from this definition, and to the extent a pinball or similar machine fits within the definition of gambling device, it is already regulated pursuant to TMC Chapter 8.100 (Gambling) and Chapter 9.46 RCW (Gambling - 1973 Act). This chapter of the TMC is obsolete and unnecessary.



TMC Chapter 9.28 was enacted in 1972 for the purpose of establishing a pedestrian mall at specific locations in downtown, on “C” Street and Saint Helens Avenue. The location of the pedestrian mall identified in Chapter 9.28 TMC no longer functions as a pedestrian mall, making the provisions of this chapter unnecessary and potentially in conflict with current uses. This chapter of the TMC is obsolete and unnecessary.

TMC Chapter 12.12 regulates the rates, fares, and charges for transit buses formerly operated by the Tacoma Transit System. The Pierce County Transportation Benefit Area, known as Pierce Transit, was established in 1979 and manages and operates a public transit bus system within its boundaries, including the City of Tacoma. The City no longer operates the Tacoma Transit System and all rates, fares and charges for Pierce Transit buses are established by the Pierce Transit Board of Commissioners under authority of Chapter 36.57A RCW. Accordingly, TMC Chapter 12.12 is no longer necessary and should be repealed in its entirety.

TMC Title 15 establishes regulations governing the use and operation of the Tacoma Narrows Airport formerly owned by the City and located in unincorporated Pierce County. In 2008, the City transferred its ownership interest in the airport to Pierce County and the Peninsula Metropolitan Park District. This title of the TMC is obsolete and unnecessary.

**ISSUE:**

The TMC contains titles, chapters, and sections that are obsolete and unnecessary or that need not be legislatively enacted or codified. Retaining these provisions will increase the future cost of conversion of the TMC. The proposed ordinance would take the first step in identifying and repealing obsolete and unnecessary provisions within a single ordinance.

**ALTERNATIVES:**

In the alternative, the City Council could consider each repeal or amendment in separate ordinances or not take any action and allow the identified titles, chapters, and sections to remain within the TMC. Not taking action would likely result in a fiscal impact when the TMC is converted to an electronic format. Separate ordinances would create a greater burden on the City Council.

**RECOMMENDATION:**

The City Attorney’s Office recommends enactment of the ordinance. The proposed ordinance would repeal one title and seven chapters of the TMC, and repeal six sections of another chapter. This action would result in the repeal of 157 unnecessary sections and elimination of 64 pages of the TMC, and is consistent with the intent of the Comprehensive Municipal Code Update Initiative.

**FISCAL IMPACT:**

There is no fiscal impact.