



## ORDINANCE NO. 28178

1 AN ORDINANCE relating to public safety and morals; amending Chapter 8.12 of  
2 the Tacoma Municipal Code ("TMC") by repealing Section 8.12.026, Vehicle  
3 Prowling, in its entirety; and amending Title 8 of the TMC by the addition  
4 thereto of a new chapter, to be known and designated as Chapter 8.37A,  
5 entitled "Vehicle Prowling in the Second Degree."

6 WHEREAS Engrossed State Bill ("ESB") 5053, effective July 28, 2013,  
7 makes the third or subsequent conviction of vehicle prowling in the second degree  
8 a Class C felony, and

9 WHEREAS Ordinance No. 20702, enacting Tacoma Municipal Code  
10 ("TMC") 8.12.026, Vehicle Prowling, passed on April 13, 1976, without specific  
11 reference to state law, although consistent with it at that time, and

12 WHEREAS, because TMC 8.12.026 is not designated as second degree,  
13 convictions pursuant to it may not qualify as prior offenses for the new penalty  
14 enhancement, and

15 WHEREAS penalties in the Code are inconsistent with current state law,  
16 and

17 WHEREAS, to be consistent with state law, City staff recommends  
18 repealing TMC 8.12.026 in its entirety and enacting a new chapter, designated as  
19 TMC 8.37A, "Vehicle Prowling in the Second Degree," to adopt RCW 9A.52.100;

20 Now, Therefore,

21 BE IT ORDAINED BY THE CITY OF TACOMA:

22 Section 1. That Chapter 8.12 of the Tacoma Municipal Code ("TMC") is  
23 hereby amended by repealing Section 8.12.026, Vehicle Prowling, in its entirety, as  
24 set forth in the attached Exhibit "A."  
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Section 2. That Title 8 of the TMC by the addition thereto of a new chapter,  
to be known and designated as Chapter 8.37A, entitled "Vehicle Prowling in the  
Second Degree," as set forth in the attached Exhibit "B."

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:  
\_\_\_\_\_  
City Clerk

Approved as to form:  
\_\_\_\_\_  
Deputy City Attorney



## EXHIBIT "A"

### Chapter 8.12 DISORDERLY CONDUCT

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- Sections:
- 8.12.010 Disorderly persons defined and enumerated.
  - 8.12.011 Criminal attempt.
  - 8.12.012 Liability for conduct of another – Complicity.
  - 8.12.013 Criminal assault.
  - 8.12.014 Reckless endangerment.
  - 8.12.015 Disturbing meeting of Council, Board, Commission or Committee of City.
  - 8.12.016 Disturbance of school functions.
  - 8.12.020 Proof of guilt of conducting opium den.
  - 8.12.025 Criminal trespass.
  - 8.12.030 Confiscation of weapons and opium paraphernalia.
  - 8.12.040 Violation – Penalties.
  - 8.12.050 Severability of provisions.
  - 8.12.060 Public disturbance noises.
  - 8.12.065 Violation – Penalties.
  - 8.12.070 Compression brakes.
  - 8.12.090 Sexual assault.
  - 8.12.100 *Repealed.*
  - 8.12.110 Sexual Assault Protection Order.
  - 8.12.111 Indecent Exposure
  - 8.12.112 Allowing minor on premises of live erotic performance.
  - 8.12.113 Communication with minor for immoral purposes.
  - 8.12.114 Reporting of depictions of minor engaged in sexually explicit conduct – Civil immunity.
  - 8.12.115 Sexual misconduct with a minor in the second degree.
  - 8.12.120 Destruction of property.
  - 8.12.150 Littering prohibited – Penalties.
  - 8.12.160 Making or Possessing Burglary or Auto Theft Tools.
  - 8.12.170 Stalking.



## EXHIBIT “B”

### Chapter 8.37 THEFT

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2  
3 Sections:

- 4 8.37.010 Definitions.  
5 8.37.020 Theft – Definition, defense.  
6 8.37.030 Theft in the Third Degree.  
7 8.37.030A Vehicle Prowling in the Second Degree.  
8 8.37.040 Unlawful issuance of checks or drafts.  
9 8.37.050 Theft of rental, leased, lease-purchased, or loaned property.  
10 8.37.060 Possessing stolen property in the Third Degree.  
11 8.37.070 Obscuring the identity of a machine.  
12 8.37.080 Theft of subscription television services.  
13 8.37.090 Shopping cart theft.  
14 8.37.100 Credit, debit cards, checks, etc. – Definitions.  
15 8.37.110 Possession of another’s identification.

16 **8.37.010 Definitions.**

17 RCW 9A.56.010, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set  
18 forth herein.

19 **8.37.020 Theft – Definition, defense.**

20 RCW 9A.56.020, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set  
21 forth herein.

22 **8.37.030 Theft in the Third Degree.**

23 RCW 9A.56.050, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set  
24 forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is  
25 excluded.

26 **8.37.030A Vehicle Prowling in the Second Degree.**

RCW 9A.52.100, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set  
forth herein, including penalties.

**8.37.040 Unlawful issuance of checks or drafts.**

RCW 9A.56.060, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set  
forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is  
excluded.

**8.37.050 Theft of rental, leased, lease-purchased, or loaned property.**

RCW 9A.56.096, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set  
forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is  
excluded.

**8.37.060 Possessing stolen property in the Third Degree.**

RCW 9A.56.170, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set  
forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is  
excluded.

**8.37.070 Obscuring the identity of a machine.**

RCW 9A.56.180, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set  
forth herein, including penalties.



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**8.37.080 Theft of subscription television services.**

RCW 9A.56.220, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein, including penalties.

**8.37.090 Shopping cart theft.**

RCW 9A.56.270, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein, including penalties.

**8.37.100 Credit, debit cards, checks, etc. – and Definitions.**

RCW 9A.56.280, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is excluded.

**8.37.110 Possession of another’s identification.**

RCW 9A.56.330, as now enacted or hereinafter amended, is hereby adopted by reference as though fully set forth herein, including penalties.