

2. The premises were at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the premises; or
3. The actor reasonably believed that the owner of the premises, or other person empowered to license access thereto, would have licensed him to enter or remain.
4. The actor was attempting to serve legal process, which includes any document required or allowed to be served upon persons or property, by any statute, rule, ordinance, regulation, or court order, excluding delivery by the mails of the United States. This defense applies only if the actor did not enter into a private residence or other building not open to the public and the entry onto the premises was reasonable and necessary for service of the legal process.

(Ord. 27546 § 1; passed Nov. 14, 2006: Ord. 24937 § 1; passed Jul. 2, 1991: Ord. 20702 § 1; passed Apr. 13, 1976)

8.12.026 Vehicle prowling. *Repealed by Ord. 28178.*

(Repealed by Ord. 28178 Ex. A; passed Oct. 8, 2013: Ord. 20702 § 1; passed Apr. 13, 1976)

8.12.030 Confiscation of weapons and opium paraphernalia.

When any person is found guilty of carrying a concealed weapon, or of keeping or maintaining a place where opium may be used, or of visiting such place for the purpose of using opium, as provided in this chapter, the weapon or weapons found with the person convicted of carrying the same, and the opium, opium pipes, and other paraphernalia or equipment for the smoking or using of opium found in the place of the person convicted of keeping or maintaining a place where opium may be used, or upon the person visiting the place, shall be confiscated by the Chief of Police of the city.

(Ord. 10883 § 4; passed Dec. 7, 1932)

8.12.040 Violation – Penalties.

Any person convicted of being a disorderly person as provided herein shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$500.00, or by imprisonment in the Pierce County Jail for a period not exceeding six months, or both, in the discretion of the court.

(Ord. 22600 § 14; passed Dec. 29, 1981: Ord. 19312 § 1; passed Mar. 9, 1971: Ord. 10883 § 3; passed Dec. 7, 1932)

8.12.050 Severability of provisions.

If any provision of this chapter, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this chapter or the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

(Ord. 18863 § 1; passed Jun. 17, 1969)

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;

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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.~~

(Ord. 27956 Ex. A; passed Dec. 14, 2010: Ord. 27673 Ex. D; passed Feb. 19, 2008: Ord. 26949 § 5; passed Jul. 16, 2002: Ord. 24464 § 2; passed Nov. 7, 1989)

8.12.065 Violation – Penalties.

Any person, entity, firm, or corporation convicted of violating the provisions of Section 8.12.060 of this chapter shall be guilty of a misdemeanor, the maximum penalty for which shall be 90 days in jail or a fine of \$1,000.00, or both such fine and imprisonment. Upon a first such conviction, the fine shall be \$500.00, of which \$250.00 shall not be suspended or deferred, and a fine of \$700.00 shall be imposed for each subsequent violation, of which \$300.00 shall not be suspended or deferred. Mandated minimums shall include statutory costs and assessments.

(Ord. 25324 § 1; passed Jun. 29, 1993: Ord. 24464 § 2; passed Nov. 7, 1989)

8.12.070 Compression brakes.

A. Except as provided in this chapter, no person shall use motor vehicle compression brakes within the corporate limits of the City of Tacoma. It shall be an affirmative defense to prosecution under this section that compression brakes were applied in an emergency to protect persons and or property.

B. This chapter shall not apply to vehicles of any municipal fire department, whether or not responding to an emergency.

C. As used in this chapter, the term "compression brakes" means a device which, when manually activated, retards the forward motion of a motor vehicle by the compression of the engine of the vehicle or any unit or part of the engine. "Compression brakes" are also referred to as "jake brakes."

D. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, punishable by a fine not less than \$100.00, and not to exceed \$1,000.00

(Ord. 25989 § 1; passed Dec. 10, 1996)

8.12.090 Sexual assault.

A. A person is guilty of sexual assault when he or she intentionally commits an non-consensual touching, caressing, or fondling of the genitals or female breasts, whether or not covered or clothed, of another.

B. Any person convicted of sexual assault shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$5,000.00 or a jail sentence not to exceed one year, or by both such fine and jail sentence.

(Ord. 23965 § 1; passed Nov. 3, 1987)

8.12.100 Indecent liberties. *Repealed by Ord. 27643.*

(Ord. 27643 Ex. A; passed Sep. 18, 2007: Ord. 24020 § 2; passed Jan. 26, 1988: Ord. 23356 § 1; passed Mar. 12, 1985)

8.12.110 Sexual Assault Protection Order.

Chapter 7.90 RCW, "Sexual Assault Protection Order," as now enacted or hereinafter amended, is 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.

(Ord. 27638 Ex. A; passed Aug. 28, 2007)

8.12.111 Indecent Exposure

RCW 9A.88.010, as now enacted or hereinafter amended, is 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.