



TO: Elizabeth Pauli, City Manager
FROM: Christina Caan, Policy Analyst
COPY: Government Performance and Finance Committee; Andrew Cherullo, Director, Finance;
D'Angelo Baker, Senior Management Fellow, City Manager's Office
PRESENTER: Deputy Mayor John Hines
SUBJECT: Proposed Littering Code Updates
DATE: January 31, 2024

PRESENTATION TYPE:

Request for Ordinance

SUMMARY:

Deputy Mayor John Hines is proposing amendments to align Tacoma Municipal Code (TMC) 8.12.150—the City's main littering ordinance—with Washington state law RCW 70A.200.060 and RCW 70A.200.030 (11). The amendments would:

- decrease the penalty for litter in an amount less than or equal to one cubic foot from a misdemeanor to a class three civil infraction with litter cleanup restitution payment and/or litter pickup;
- maintain the current penalty for litter greater than one cubic foot, but less than one cubic yard as a misdemeanor with litter cleanup restitution payment and/or litter pickup;
- increase the penalty for litter greater than one cubic yard or more to a gross misdemeanor and a litter cleanup restitution payment and/or litter pickup; and
- adopt the RCW's definition of "potentially dangerous litter" and add a class one civil infraction to this type of littering.

BACKGROUND:

TMC 8.12.150—Tacoma's main littering ordinance—is inconsistent with Washington state law in two ways. First, state law under RCW 70A.200.060 offers a tiered framework for addressing littering, with penalties escalating as the amount of litter increases beyond a cubic foot or beyond a cubic yard. Second, state law has a special category and penalty for "potentially dangerous litter" specified in RCW 70A.200.030 (11). In contrast, TMC 8.12.150 mandates a criminal misdemeanor penalty without regard to the amount of litter or the type of litter and lacks any definition or specific penalty for potentially dangerous litter.

ISSUE:

Residents in Tacoma frequently express concerns about litter, with 20 percent of the top ten Tacoma FIRST 311 requests in the past decade involving garbage, debris, and illegal dumping.¹ In addition, litter-related Tacoma FIRST 311 requests on public property have been escalating for the past decade. In 2023, the City removed more than 4.9 million lbs. of litter, illegal dumping, and garbage from public areas.²

Littering raises public health, public safety, and environmental concerns. Not only does litter often include potentially dangerous items, such as glass, human waste, or cigarettes, 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

¹ [City of Tacoma - File #: 23-0762 \(legistar.com\)](#)

² [Tidy Up Tacoma Data Summary | Tableau Public](#)



environmental concerns regarding litter, given that littered items can pollute local waters and harm animals and marine life.³

Updating the TMC to mirror the RCW's escalating scale for penalties based on the amount and type of litter is aimed at using a research-based approach to incentivize positive public behaviors, particularly regarding large-scale littering and illegal dumping. Washington State has previously used high penalties to successfully change littering behavior. Litter survey and phone survey data showed the "Litter and It Will Hurt" campaign, which highlighted steep penalties for littering, successfully raised awareness, altered beliefs about the likelihood of getting caught littering, and decreased littering behavior.⁴ The campaign is the most well-known and comprehensive in Washington state's history and it resulted in a 25 percent decline in roadway litter in the first two years and took four million pounds of litter off the road.⁵

The proposed amendments to the TMC would mirror the RCW's escalating scale for penalties, which reflects the severity of the littering act and the level of danger to public health and safety that it poses. Seattle and Spokane are examples of other similar cities that currently have littering penalties that are based on the amount and type of litter.^{6,7} In addition, Kent has adopted by reference the RCW's 70A.200.060.⁸

The proposed amendments for the TMC are as follows:

- Penalty for litter in an amount less than or equal to one cubic foot would decrease to a class three civil infraction with litter cleanup restitution payment and/or litter pickup;
- Penalty for litter greater than one cubic foot, but less than one cubic yard would remain consistent with current City code as a misdemeanor with litter cleanup restitution payment and/or litter pickup;
- Penalty for litter greater than one cubic yard or more would increase to gross misdemeanor and a litter cleanup restitution payment and/or litter pickup;
- Adopting the RCW's definition of "potentially dangerous litter" and adding the penalty of a class one 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. "Potentially dangerous litter" means:
 - 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 or not the waste is in a container of any sort; and
 - Nails or tacks.

ALTERNATIVES:

The City could maintain its current litter laws or apply greater penalties to all littering violations.

³ [Prevent Stormwater Pollution - City of Tacoma](#)

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

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

⁶ [Subtitle III - Solid Waste | Municipal Code | Seattle, WA | Municode Library](#)

⁷ [Spokane Municipal Code - Section 10.62.040: Penalties \(spokanecity.org\)](#)

⁸ [Kent City Code \(codepublishing.com\)](#)



FISCAL IMPACT:

Aligning the TMC with the RCW would require minimal resources and staff time to share the updated code with the public and City staff.

RECOMMENDATION:

Deputy Mayor Hines recommends advancing the proposed litter code changes to the full City Council for consideration.