



## ORDINANCE NO. 28963

1 BY REQUEST OF DEPUTY MAYOR HINES AND COUNCIL MEMBERS  
2 BUSHNELL AND RUMBAUGH

3 AN ORDINANCE relating to littering; amending Chapter 8.12 of the Municipal  
4 Code, relating to Disorderly Conduct, by amending Section 8.12.150,  
5 entitled “Littering Prohibited – Penalties,” to align more closely with state  
6 law; and providing for enforcement, and establishing civil and criminal  
7 penalties for violations.

8 WHEREAS residents in the City frequently express concerns about litter and  
9 illegal dumping, and

10 WHEREAS twenty percent of the top ten Tacoma FIRST 311 requests in the  
11 past decade have involved garbage, debris, and illegal dumping, and

12 WHEREAS litter-related Tacoma FIRST 311 requests on public property  
13 have been escalating for the past decade, underscoring the need to shift the  
14 enforcement system, and

15 WHEREAS the City’s solid waste utility provides garbage, recycling, and  
16 yard/food waste services for more than 50,000 single-family homes and numerous  
17 multifamily, business, and industrial customers and operates a full-service transfer  
18 station, with a recycling center and household hazardous waste collection facility,  
19 as well as a residential bulk item disposal service, and

20 WHEREAS despite the robust availability of diverse City services and a  
21 comprehensive waste disposal infrastructure, littering and illegal dumping are  
22 pervasive in Tacoma, and

23 WHEREAS in 2023, the City removed more than 4.9 million pounds of litter,  
24 illegal dumping, and garbage from public areas, and  
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WHEREAS the Washington State Legislature pursuant to Engrossed Substitute House Bill 2207, adopted amendments to the State littering code, codified at Chapter 70A.200 Revised Code of Washington (“RCW”), and the state Civil Infraction Code, codified at Chapter 7.80 RCW, to provide tools designed to reduce the impacts of unlawful solid waste dumping, and

WHEREAS the City Council finds that it is in the best interest of the public health, safety and welfare to amend the City’s littering code at Tacoma Municipal Code 8.12.150 pursuant to this ordinance to align more closely with littering prohibitions and enforcement provisions in state law by creating tiered penalties and similar enforcement provisions; Now, Therefore,

**BE IT ORDAINED BY THE CITY OF TACOMA:**

Section 1. That Section 8.12.150 of the Tacoma Municipal Code is hereby amended as set forth in the attached Exhibit “A.”

Section 2. That, if any subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter, which shall remain in full force and effect.



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Section 3. That the City Clerk, in consultation with the City Attorney, is authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney



## EXHIBIT "A"

### CHAPTER 8.12 DISORDERLY CONDUCT

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4 8.12.150 Littering prohibited – Penalties.

5 A. Definitions.

6 The definitions in this section apply throughout this section unless the context clearly requires otherwise.

7 1. "City" means the City of Tacoma.

8 2. "Litter" means all waste material including but not limited to disposable packages or containers thrown or deposited as herein prohibited and solid waste that is illegally dumped, but not including the wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing. "Litter" includes the material described in subsection (A)(3) of this section as "potentially dangerous litter.

9 3. "Litter receptacle" means those containers adopted by the department of ecology and which may be standardized as to size, shape, capacity, and color and which shall bear the state anti-litter symbol, as well as any other receptacles suitable for the depositing of litter.

10 4. "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or other entity whatsoever.

11 5. "Potentially dangerous litter" means litter that is likely to injure a person or cause damage to a vehicle or other property. "Potentially dangerous litter" means:

12 a. Cigarettes, cigars, or other tobacco products that are capable of starting a fire;

13 b. Glass;

14 c. A container or other product made predominantly or entirely of glass;

15 d. A hypodermic needle or other medical instrument designed to cut or pierce;

16 e. Raw human waste, including soiled baby diapers, regardless of whether or not the waste is in a container of any sort; and

17 f. Nails or tacks.

18 6. "To litter" means a single or cumulative act of disposing of litter in violation of this section.

19 7. "Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

20 B. Violations

21 1. It is a violation of this section to throw, drop, deposit, discard, or otherwise dispose of litter upon any public property or upon private property not owned by him or her or in the waters of this state whether from a vehicle or otherwise including but not limited to any public highway, public park, beach, campground, forestland, recreational area, trailer park, highway, road, street, or alley except:

22 a. When the property is designated by the state or its agencies or political subdivisions for the disposal of garbage and refuse, and the person is authorized to use such property for that purpose;



1 b. Into a litter receptacle in a manner that will prevent litter from being carried away or deposited by the  
2 elements upon any part of the private or public property or waters.

3 2. a. Except as provided in subsection (2)(b) of this section, it is a class 3 civil infraction as provided in  
4 RCW 7.80.120 for a person to litter in an amount less than or equal to one cubic foot.

5 b. It is a class 1 civil infraction as provided in RCW 7.80.120 for a person to discard, in violation of this  
6 section, potentially dangerous litter in any amount.

7 c. It is a misdemeanor for a person to litter in an amount greater than one cubic foot but less than 10  
8 cubic yards.

9 d. It is a gross misdemeanor for a person to litter in an amount of more than 10 cubic yards.

10 3. A person found liable or guilty under this section shall, in addition to the penalties provided for  
11 misdemeanors or gross misdemeanors, also pay a litter clean-up restitution payment equal to four times  
12 the actual cost of cleanup for misdemeanors and two times the actual cost of cleanup for gross  
13 misdemeanors. The court shall distribute an amount of the litter clean-up restitution payment that equals  
14 the actual cost of cleanup to the landowner, or public right-of-way owner, where the littering incident  
15 occurred and the remainder of the restitution payment to the law enforcement agency investigating the  
16 incident.

17 4. The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the  
18 person to pick up and remove litter from the property, with prior permission of the legal owner or, in the  
19 case of public property, of the agency managing the property.

20 5. The court may suspend or modify the litter cleanup restitution payment for a first-time offender under  
21 this section, if the person cleans up and properly disposes of the litter.

22 ~~No person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in~~  
23 ~~the City or upon private property in this City not owned by him or her or in the waters within the City~~  
24 ~~boundaries, whether from a vehicle or otherwise, including, but not limited to, any public highway, public~~  
25 ~~park, beach, campground, forest land, recreational area, trailer park, highway, road, street, court, alley, or~~  
26 ~~sidewalk, except:~~

1. ~~When such property is designated by the City or the State, or by any of the State's agencies or political~~  
subdivisions, for the disposal of garbage and refuse, and such person is authorized to use such property  
for such purpose.

2. ~~Into a litter receptacle in such a manner that the litter will be prevented from being carried away or~~  
deposited by the elements upon any part of said private or public property or waters.

~~B. Any person violating the provisions of this section shall be guilty of a misdemeanor and the fine for~~  
such violation shall not be less than \$50.00 for each offense. In addition thereto, except where infirmity  
or age or other circumstance would create a hardship, such person shall be directed by the court in which  
conviction is obtained to pick up and remove litter from public property and/or private property, with  
prior permission of the legal owner, for not less than eight hours nor more than 16 hours for each separate  
offense. The court shall schedule the time to be spent on such activities in such a manner that it does not  
interfere with the person's employment and does not interfere substantially with the person's family  
responsibilities.

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