



## ORDINANCE NO. 28659

1 BY REQUEST OF DEPUTY MAYOR BLOCKER AND COUNCIL MEMBER USHKA

2 AN ORDINANCE relating to the Chronic Public Nuisance Code; amending  
3 Chapter 8.30A of the Tacoma Municipal Code (“TMC”) to remove “Domestic  
4 Violence” as a qualifying nuisance activity from the list set forth in  
5 TMC 8.30A.020, to protect victims from being deemed “nuisance” tenants  
6 for reporting criminal activity.

7 WHEREAS the Chronic Public Nuisance Code, Tacoma Municipal  
8 Code (“TMC”) Chapter 8.30A, was established in 2003 with an intent to protect  
9 the health, safety, and welfare of the public, and

10 WHEREAS “Domestic Violence” has been listed as a nuisance activity  
11 since 2003, and

12 WHEREAS Policy and Advocacy Committee Members of the Human  
13 Rights Commission have expressed concern with having “Domestic Violence”  
14 listed as a qualifying nuisance activity in TMC 8.30A, as it may disproportionately  
15 impact underprivileged women and punish domestic violence victims for reporting  
16 criminal activity to law enforcement, and

17 WHEREAS, in response to these concerns and in an effort to support  
18 victims’ rights, the proposed amendment to TMC 8.30A will remove “Domestic  
19 Violence, TMC 8.105” from the list of nuisance activities set forth in  
20 TMC 8.30A.020; Now, Therefore,

21 BE IT ORDAINED BY THE CITY OF TACOMA:

22 Section 1. That Chapter 8.30A of the Tacoma Municipal Code is hereby  
23 amended as set forth in the attached Exhibit “A.”  
24  
25  
26



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

Section 2. 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:

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



**EXHIBIT "A"**

**Chapter 8.30A  
CHRONIC PUBLIC NUISANCE**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

\* \* \*

**8.30A.020 Definitions.**

A. "Abate" means to repair, replace, remove, destroy, or otherwise remedy a condition which constitutes a violation of this chapter by such means and in such a manner, and to such an extent, as the applicable City department director or designee determines is necessary in the interest of the general health, safety, and welfare of the community.

B. "Chronic nuisance property" means a property:

1. on which three or more nuisance activities as defined herein exist or have occurred during any 60-day period; or
2. on which four or more nuisance activities as defined herein exist or have occurred during any six-month period; or
3. on which six or more nuisance activities as defined herein exist or have occurred during any 12-month period; or
4. that, upon request for execution of a search warrant, has been the subject of a determination by a court two or more times within a 12-month period that probable cause exists that illegal possession, manufacture, or delivery of a controlled substance or related offenses, as defined in Revised Code of Washington ("RCW") 69.50, has occurred on the property; or
5. that the City can demonstrate by a preponderance of the evidence is the cause of nuisance activities that are occurring on other property adjacent to or in proximity to the property itself, where such nuisance activities occurring on such other property meet the definition of 1, 2, 3, or 4 above.

C. "Correction agreement" means a contract between the City and the owner and, if different than the owner, the person in control of the chronic nuisance property, in which such person(s) agrees to promptly take all reasonable actions, which shall be set forth in the agreement, to abate the nuisance activities within a specified time and according to specified conditions.

D. "Director" means any City of Tacoma Department Director, or designee.

E. "Landlord" means the owner, lessor, or sublessor of the dwelling unit or the property of which it is a part, and, in addition, means any person designated as a representative of the landlord.

F. "Nuisance activity" includes a violation for any of the following:

1. A "most serious offense," as defined in RCW 9.94A;
2. "Alcoholic beverage control violations," as defined in RCW 66.44;
3. "Drive-by shooting," as defined in RCW 9A.36.045;
4. "Drug-related activity," including unlawful manufacture, delivery, sale, storage, possession, or giving away of any controlled substance, as defined in RCW 69.50; illegal drugs, as defined in RCW 69.41; precursor drugs, as defined in RCW 69.43; or imitation controlled substances, as defined in RCW 69.52;
- 5 "Gang-related activity," as defined in RCW 59.18.030;
6. "Reckless endangerment," as defined in RCW 9A.36.050;
7. Animal Control, Tacoma Municipal Code ("TMC") Title 17;



- 8. Assault in the Fourth Degree, TMC 8.76;
- 1 9. Curfew Hours for Minors, TMC 8.109;
- 2 10. Disorderly Conduct, TMC 8.12;
- 3 ~~11. Domestic Violence, TMC 8.105;~~
- 4 ~~12. Drug Paraphernalia, TMC 8.29;~~
- 5 ~~13. Drug-related Loitering, TMC 8.72;~~
- 6 ~~14. Fire Prevention Code, TMC 3.02;~~
- 7 ~~15. Firearms, TMC 8.67;~~
- 8 ~~16. Fireworks, TMC 3.12;~~
- 9 ~~17. Gambling, TMC 8.100;~~
- 10 ~~18. Graffiti, TMC 8.120;~~
- 11 ~~19. Harassment, TMC 8.80;~~
- 12 ~~20. Indecent Acts, TMC 8.32;~~
- 13 ~~21. Minimum Building and Structures Code, TMC 2.01;~~
- 14 ~~22. Narcotics, TMC 8.28;~~
- 15 ~~23. Noise Enforcement, TMC 8.122;~~
- 16 ~~24. Obstructing Pedestrians or Traffic, TMC 8.13;~~
- 17 ~~25. Prostitution, TMC 8.46;~~
- 18 ~~26. Public Nuisances, TMC 8.30;~~
- 19 ~~27. Regulation of Purchase/Sale of Ephedrine, TMC 8.140;~~
- 20 ~~28. Stay Out of Areas of Prostitution (“SOAP”) Orders, TMC 8.170;~~
- 21 ~~29. Stay Out of Drug Areas (“SODA”) Orders, TMC 8.160;~~
- 22 ~~30. Solid Waste, Recycling and Hazardous Waste, TMC 12.09;~~
- 23 ~~31. Tax and License Code, TMC Title 6;~~
- 24 ~~32. Unlawful Assembly, TMC 8.60;~~
- 25 ~~33. Urinating in Public, TMC 8.33;~~
- 26 ~~34. Weapons, TMC 8.66;~~
- 35. Any similar violation of the RCW or the United States Code;
- 36. Any attempt to commit and/or conspiracy to commit any of the above activities, behaviors, or conduct shall also be considered a nuisance activity.

\* \* \*