Legislation Passed February 17, 2015

The Tacoma City Council, at its regular City Council meeting of February 17, 2015, adopted the following resolutions and/or ordinances. The summary of the contents of said resolutions and/or ordinances are shown below. To view the full text of the document, click on the bookmark at the left of the page.

Resolution No. 39115
A resolution awarding a contract to Fire Training Structures, LLC, in the amount of $409,995, plus sales tax, budgeted from the Fire Grant Fund, to supply, deliver, and assemble one Live-Fire Training Simulator at the Tacoma Fire Training Center - Specification No. FD14-0649F.
[Roger Edington, Assistant Fire Chief; James P. Duggan, Fire Chief]

Resolution No. 39116
A resolution authorizing the City's membership in the Welcoming Cities and Counties Initiative, which encourages communities to create more welcoming, immigrant-friendly environments that maximize opportunities for economic growth and cultural vitality.
[Diane Powers, Office of Equity and Human Rights Director; T.C. Broadnax, City Manager]

Resolution No. 39117
A resolution authorizing the execution of an agreement with Pierce Transit, in the amount of $384,976.20, budgeted from the General Fund, for the purchase of One Regional Card for All (ORCA) business cards, and other ORCA services as part of the Commute Trip Reduction Program for 2015.
[Joy St. Germain, Director, Human Resources]

Resolution No. 39118
A resolution authorizing the execution of a Collective Bargaining Agreement with the International Brotherhood of Electrical Workers, Local 483, Water Pollution Control Unit, which consists of 57 full-time equivalent positions, and provides for a wage increase of 2.2 percent, effective retroactive to January 1, 2015, through December 31, 2017.
[Robin Koch, Labor Relations Manager; Joy St. Germain, Director, Human Resources]

Ordinance No. 28280
An ordinance amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to implement rates of pay and compensation for employees represented by the International Brotherhood of Electrical Workers, Local 483, Clerical and Supervisors’ Units.
[Tara Schaak, Labor Negotiator; Joy St. Germain, Director, Human Resources]
Amended Ordinance No. 28281
An ordinance amending Title 13 of the Municipal Code, entitled Land Use Regulatory Code, to establish permanent land use regulations concerning the production, processing, and retail sale of recreational marijuana; superseding interim regulations enacted pursuant to Substitute Ordinance No. 28182.
[Elliott Barnett, Associate Planner; Peter Huffman, Director, Planning and Development Services]
RESOLUTION NO. 39115

A RESOLUTION related to the purchase of materials, supplies or equipment, and the furnishing of services; authorizing the execution of a contract with Fire Training Structures, LLC, in the amount of $409,995.00, plus applicable sales tax, budgeted from the 1090 Fire Grant Fund, for the supply, delivery and assembly of one Live-Fire Training Simulator at the Fire Training Center.

WHEREAS the City has complied with all applicable laws and processes governing the acquisition of those supplies, and/or the procurement of those services, inclusive of public works, as is shown by the attached Exhibit “A,” incorporated herein as though fully set forth, and

WHEREAS the Board of Contracts and Awards has concurred with the recommendation for award as set forth in Exhibit “A”; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

Section 1. That the Council of the City of Tacoma concurs with the Board of Contracts and Awards to adopt the recommendation for award as set forth in the attached Exhibit “A.”
Section 2. That the proper officers of the City are hereby authorized to enter into a contract with Fire Training Structures, LLC, in the amount of $409,995.00, plus applicable sales tax, budgeted from the 1090 Fire Grant Fund, for the supply, delivery and assembly of one Live-Fire Training Simulator at the Fire Training Center, consistent with Exhibit “A.”

Adopted ________________

________________________________________
Mayor

Attest:

________________________________________
City Clerk

Approved as to form:

________________________________________
City Attorney
RESOLUTION NO. 39116

BY REQUEST OF MAYOR STRICKLAND AND COUNCIL MEMBERS CAMPBELL AND MELLO

A RESOLUTION authorizing the City’s membership in the Welcoming Cities and Counties Initiative, which encourages communities to create more welcoming, immigrant-friendly environments that maximize opportunities for economic growth and cultural vitality.

WHEREAS recent census figures report that 13.4 percent of the City’s population is foreign-born, with the majority immigrating from Asia, Latin America, and Europe, and that 19 percent of its residents speak a language other than English in their homes, and

WHEREAS the City passed an Equity and Empowerment Initiative that seeks to (1) have a municipal workforce that reflects the community it serves; (2) have purposeful community outreach and engagement; (3) provide equitable service delivery to all residents and visitors; (4) support human rights and opportunities for every person to achieve their full potential; and (5) commit to equity in local government decision-making, and

WHEREAS the City Council, at its 2014 Annual Work Session, expressed a desire to make the City a more welcoming place that is inclusive and an immigrant-friendly place to live, work, and visit, and

WHEREAS the City will connect with community partners to share ideas, develop new tools, give recognition for efforts that create a more welcoming community, and improve the quality of life and economic potential for immigrants and non-immigrants alike, and
WHEREAS the City wants to foster a knowledgeable, safe, and connected community by including immigrants in conversations surrounding education, business and economic development, arts and culture, local government and the justice system, and social and health services, and

WHEREAS Tacoma has a vested interest in building immigrant leadership, engagement, and inclusion, and encouraging immigrant entrepreneurship; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the City Council hereby authorizes the City’s membership in the Welcoming Cities and Counties Initiative, which encourages communities to create more welcoming, immigrant-friendly environments that maximize opportunities for economic growth and cultural vitality, and further, that the City Council supports all efforts to make the City more vibrant, inclusive, and welcoming for all people, including its immigrant community.

Adopted

__________________________
Mayor

Attest:

__________________________
City Clerk

Approved as to form:

__________________________
City Attorney
RESOLUTION NO. 39117

A RESOLUTION relating to the City’s Commute Trip Reduction Program; authorizing the execution of an agreement with Pierce Transit, in the net amount of $384,976.20, budgeted from the General Fund, for the purchase of One Regional Card for All (“ORCA”) Business Cards and other ORCA services as part of the City’s Commute Trip Reduction Program for 2015.

WHEREAS, since 1996, the City has provided bus pass/vanpool subsidies for its employees as part of the Commute Trip Reduction (“CTR”) Program, and

WHEREAS, in 2009, the City transitioned from providing these subsidies to providing City employees with One Regional Card for All (“ORCA”) Business Cards, and

WHEREAS the ORCA Business Cards purchased under the agreement with Pierce Transit provide employees access to Pierce, Metro, Kitsap, Everett community, and Sound Transit systems, including the Sound Transit Link Light Rail, the Seattle Streetcar, and the Sounder; and

WHEREAS the agreement with Pierce Transit also provides for ORCA vanpool and van share services from Pierce, Metro, Kitsap, Everett community, and Sound Transit systems, and

WHEREAS, in 2013, there were approximately 1,059 employee transit program users per month, and in 2014, approximately 1,127 employee users per month, which represents approximately 33 percent of the City’s work force, and

WHEREAS the 2015 agreement, in the net amount of $384,976.20, includes a $426,888.24 annual fee for ORCA transit and vanpool and vanshare services and a credit of $41,912.04 for 100 ORCA cards as an offset for Pierce Transit rent, and

-1-
WHEREAS the 2015 agreement amount is a decrease of $12,828.12 over 2014 due to overall lower transit costs, as well as a decrease in the vanpool deposit required by Pierce Transit, and

WHEREAS Human Resources staff will continue the oversight of the CTR transit pass program, and

WHEREAS employees receiving an ORCA Business Card will be required to sign an agreement outlining use expectations and requirements, including that the ORCA card is for business use only; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the proper officers of the City are hereby authorized to enter into an agreement with Pierce Transit, in the net amount of $384,976.20, budgeted from the General Fund, for ORCA Business Cards and vanpool and vanshare services that will be part of the City’s Commute Trip Reduction Program for 2015, said document to be substantially in the form of the proposed document on file in the office of the City Clerk.

Adopted ______________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
Deputy City Attorney
RESOLUTION NO. 39118

A RESOLUTION related to collective bargaining; authorizing the execution of a collective bargaining agreement between the City and the International Brotherhood of Electrical Workers, Local 483, Water Pollution Control Unit, effective retroactive to January 1, 2015, through December 31, 2017.

WHEREAS the City has, for years, adopted the policy of collective bargaining between the various labor organizations representing employees and the administration, and

WHEREAS this resolution allows for the execution of the proposed three-year (2015-2017) Collective Bargaining Agreement ("CBA") between the City and International Brotherhood of Electrical Workers, Local 483, Water Pollution Control Unit ("Union"), on behalf of the employees represented by said Union, consisting of approximately 57 budgeted, full-time equivalent ("FTE") positions assigned to General Government, and

WHEREAS the proposed CBA includes the following wage provisions:

1. effective retroactive to January 1, 2015, wages shall increase by 2.2 percent;
2. effective January 1, 2016, wages shall increase by 100 percent of the CPI-W, Seattle-Tacoma, June-June index, with a minimum of 2 percent and a maximum of 4 percent; and 3. effective January 1, 2017, wages shall increase by 100 percent of the CPI-W, Seattle-Tacoma, June-June index, with a minimum of 2 percent and a maximum of 4 percent, and

WHEREAS other CBA provisions include clarification for grievance timelines to be counted in calendar days; a safety footwear allowance and clarification on when the allowance will be paid; a modification to Article 13, regarding work hours
and scheduling for employees assigned to Treatment Plant 1, to implement earlier
start times; and language regarding the formation of a Labor/Management
Committee for the purpose of reviewing training programs for Wastewater
Treatment Plant Electrician/Instrumentation Technicians, and

WHEREAS it now appears in the best interest of the City that the proposed
CBA negotiated by said Union and the City be approved; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the proper officers of the City are hereby authorized to execute the
Collective Bargaining Agreement between the City and International Brotherhood of
Electrical Workers, Local 483, Water Pollution Control Unit, effective retroactive to
January 1, 2015, through December 31, 2017, said document to be substantially in
the form of the proposed agreement on file in the office of the City Clerk.

Adopted ____________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
Deputy City Attorney

Res15-0082.doc-CAC/bn
ORDINANCE NO. 28280

AN ORDINANCE relating to the Compensation Plan; amending Section 1.12.355 of the Tacoma Municipal Code to implement rates of pay and compensation for employees represented by the International Brotherhood of Electrical Workers, Local 483, Clerical Unit; and International Brotherhood of Electrical Workers, Local 483, Supervisors’ Unit; and declaring the effective dates thereof to implement rates of pay and compensation.

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective retroactive to January 1, 2015, to read as follows:

<table>
<thead>
<tr>
<th>Code</th>
<th>Job Title</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>0508</td>
<td>Accountant</td>
<td>27.20</td>
<td>28.56</td>
<td>29.99</td>
<td>31.49</td>
<td>33.06</td>
</tr>
<tr>
<td>0514</td>
<td>Accountant, Senior</td>
<td>31.28</td>
<td>32.84</td>
<td>34.49</td>
<td>36.21</td>
<td>38.02</td>
</tr>
<tr>
<td>0737</td>
<td>Administrative Assistant</td>
<td>22.02</td>
<td>23.12</td>
<td>24.28</td>
<td>25.49</td>
<td>26.77</td>
</tr>
<tr>
<td>0547</td>
<td>Benefit Specialist (Retirement)</td>
<td>22.02</td>
<td>23.12</td>
<td>24.28</td>
<td>25.49</td>
<td>26.77</td>
</tr>
<tr>
<td>0504</td>
<td>Financial Assistant</td>
<td>22.02</td>
<td>23.12</td>
<td>24.28</td>
<td>25.49</td>
<td>26.77</td>
</tr>
<tr>
<td>0006</td>
<td>Office Assistant</td>
<td>19.15</td>
<td>20.11</td>
<td>21.12</td>
<td>22.17</td>
<td>23.28</td>
</tr>
</tbody>
</table>

Section 2. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, effective retroactive to January 1, 2015, to read as follows:

<table>
<thead>
<tr>
<th>Code</th>
<th>Job Title</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>5097</td>
<td>Biosolids Supervisor</td>
<td>34.11</td>
<td>35.82</td>
<td>37.61</td>
<td>39.49</td>
<td>41.46</td>
</tr>
<tr>
<td>0041</td>
<td>Customer Accounts Supervisor</td>
<td>33.48</td>
<td>35.13</td>
<td>36.82</td>
<td>38.73</td>
<td>40.67</td>
</tr>
<tr>
<td>5271</td>
<td>Fire Electrical Maintenance Supervisor</td>
<td>48.75</td>
<td>51.48</td>
<td>53.74</td>
<td>56.43</td>
<td>59.26</td>
</tr>
<tr>
<td>5519</td>
<td>Telecommunications Supervisor, Assistant</td>
<td>29.13</td>
<td>30.59</td>
<td>32.12</td>
<td>33.72</td>
<td>35.44</td>
</tr>
<tr>
<td>5276</td>
<td>Traffic Field Operations Supervisor</td>
<td>48.75</td>
<td>51.18</td>
<td>53.74</td>
<td>56.43</td>
<td>59.26</td>
</tr>
</tbody>
</table>

Ord15-0010.doc-CAC/bn
Section 3. That Sections 1 and 2 of this ordinance shall become effective retroactive to January 1, 2015.

Passed ____________________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
Deputy City Attorney
ORDINANCE NO. 28281

AN ORDINANCE relating to land use regulations associated with Initiative 502; amending Title 13 of the Tacoma Municipal Code to establish permanent land use regulations concerning the production, processing, and retail sale of recreational marijuana; and superseding the City’s interim recreational marijuana regulations enacted pursuant to Substitute Ordinance No. 28182.

WHEREAS Initiative 502 ("I-502"), approved by Washington voters in November 2012, provides a framework for licensing and regulating the production, processing, and retail sale of recreational marijuana, and

WHEREAS the Washington State Liquor Control Board ("WSLCB") was tasked with establishing rules and procedures to implement I-502, and, according to the WSLCB’s timeline, the rules became effective on November 16, 2013, and the state began accepting applications for all license types on November 18, 2013, and

WHEREAS, on November 5, 2013, the City Council adopted Substitute Ordinance No. 28182, enacting interim land use regulations concerning the production, processing, and retail sale of recreational marijuana, and

WHEREAS the interim regulations, codified in Tacoma Municipal Code ("TMC") Chapters 13.06, 13.06A, and 13.10, were intended to provide policy and regulatory guidance to facilitate the proactive and timely review of the marijuana license applications expected to come forward in December 2013, and

WHEREAS the interim regulations were also intended to provide adequate time for the City to evaluate the operations and impacts of licensed marijuana businesses and allow the state to rectify outstanding problems with the existing, largely unregulated medical marijuana system, before deliberating on a permanent local regulatory solution, and

-1-
WHEREAS the WSLCB began issuing marijuana production and processing licenses in March 2014 and marijuana retailing licenses in July 2014, and

WHEREAS the state legislature deliberated on potential changes to address the medical marijuana industry in 2014, but have not yet adopted any changes, and

WHEREAS, on September 30, 2014, the City Council adopted Ordinance No. 28250, extending the interim regulations through May 16, 2015, and directing City staff and the Planning Commission to expedite the development of recommendations for permanent regulations prior to expiration of the interim regulations, and

WHEREAS the Planning Commission completed its task of developing recommendations for permanent recreational marijuana regulations through a public process, including a public hearing on December 3, 2014, and forwarded its recommendations to the City Council through the Planning Commission’s Findings of Fact and Recommendation Report dated January 7, 2015, and

WHEREAS the proposed recommendations retain most of the provisions of the current interim regulations while making modifications to TMC 13.06.300, Mixed-Use Center Districts; TMC 13.06.400, Industrial Districts; and TMC 13.06.565, Marijuana Businesses, and

WHEREAS the proposed amendments clarify that all licensed marijuana uses must comply with City requirements, and expand areas where marijuana production, processing, and urban horticulture are permitted, to include the M-1 Light Industrial and the CIX Commercial Industrial Mixed-Use Districts, and
WHEREAS a public hearing was held on February 3, 2015, to receive public comment on the recommendations of the Planning Commission, and

WHEREAS the Washington State Legislature is currently deliberating on potential changes pertaining to both recreational and medical marijuana which could raise new considerations, potentially including an increase in the number of marijuana businesses allowed in Tacoma and which, if enacted, could necessitate further modifications to the City’s regulations; once there is clarity regarding state-level changes, the City should convene a joint meeting of the City Council and the Planning Commission to address modifications; Now, Therefore

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Title 13 of the Tacoma Municipal Code is hereby amended to establish permanent land use regulations concerning the production, processing, and retail sale of recreational marijuana, as set forth in the attached Exhibit “A.”

Section 2. That the permanent land use regulations enacted pursuant to this ordinance hereby supersede the interim land use regulations enacted pursuant to Substitute Ordinance No. 28182.

Passed____________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
Deputy City Attorney
These proposed amendments include modifications to the following section of Title 13, Land Use Regulatory Code:

Chapter 13.06 – Zoning
13.06.300 – Mixed-Use Center Districts
13.06.400 – Industrial Districts
13.06.565 – Marijuana Businesses

Note: These amendments show proposed changes to existing Land Use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that has been deleted is shown as strikethrough.
D. Land use requirements.

1. Use requirements. The following use table designates all permitted, limited, and prohibited uses in the districts listed. Use classifications not listed in this section or provided for in Section 13.06.500 are prohibited, unless permitted via Section 13.05.030.E.

2. Use table abbreviations.

<table>
<thead>
<tr>
<th>P</th>
<th>Permitted use in this district.</th>
</tr>
</thead>
<tbody>
<tr>
<td>CU</td>
<td>Conditional use in this district. Requires conditional use permit, consistent with the criteria and procedures of Section 13.06.640.</td>
</tr>
<tr>
<td>TU</td>
<td>Temporary use consistent with Section 13.06.635.</td>
</tr>
<tr>
<td>N</td>
<td>Prohibited use in this district.</td>
</tr>
</tbody>
</table>

3. District use table.

<table>
<thead>
<tr>
<th>Uses</th>
<th>NCX</th>
<th>CCX</th>
<th>UCX</th>
<th>RCX</th>
<th>CIX</th>
<th>HMX</th>
<th>URX</th>
<th>NRX</th>
<th>Additional Regulations$^{3,4,5}$ (also see footnotes at bottom of table)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana processor</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>See additional requirements contained in Section 13.06.565</td>
</tr>
<tr>
<td>Marijuana producer</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>See additional requirements contained in Section 13.06.565</td>
</tr>
<tr>
<td>Marijuana retailer</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>N</td>
<td>P</td>
<td>P</td>
<td>N</td>
<td>N</td>
<td>*Limited to 7,000 square feet of floor area, per business, in the HMX District. See additional requirements contained in Section 13.06.565</td>
</tr>
<tr>
<td>Urban Horticulture</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td></td>
</tr>
</tbody>
</table>
13.06.400 Industrial Districts.

***

13.06.400.C Land use requirements.

***

3. Use table abbreviations.

<table>
<thead>
<tr>
<th>P</th>
<th>Permuted use in this district.</th>
</tr>
</thead>
<tbody>
<tr>
<td>CU</td>
<td>Conditional use in this district. Requires conditional use permit consistent with the criteria and procedures of Section 13.06.640.</td>
</tr>
<tr>
<td>TU</td>
<td>Temporary Uses allowed in this district subject to specified provisions and consistent with the criteria and procedures of Section 13.06.635.</td>
</tr>
<tr>
<td>N</td>
<td>Prohibited use in this district.</td>
</tr>
</tbody>
</table>

4. District use table.

<table>
<thead>
<tr>
<th>Uses</th>
<th>M-1</th>
<th>M-2</th>
<th>PMI</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana processor</td>
<td>N P</td>
<td>P</td>
<td>P</td>
<td>See additional requirements contained in Section 13.06.565</td>
</tr>
<tr>
<td>Marijuana producer</td>
<td>N P</td>
<td>P</td>
<td>P</td>
<td>See additional requirements contained in Section 13.06.565</td>
</tr>
<tr>
<td>Marijuana retailer</td>
<td>P~</td>
<td>P~</td>
<td>N</td>
<td>~Within the South Tacoma M/IC Overlay District, limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet in the M-1 district. See additional requirements contained in Section 13.06.565</td>
</tr>
</tbody>
</table>

| Urban Horticulture | N P | P   |

***

Recreational Marijuana Permanent Regulations
Planning Commission Recommended Code Changes - 01-07-15
13.06.565 Marijuana Businesses.

A. Intent. In November 2012, Washington voters passed Initiative 502, which establishes precedent for the production, processing and retail sale of marijuana for recreational purposes. Pursuant to RCW 69.50, the State has adopted rules establishing a state-wide regulatory and licensing program for marijuana uses (WAC 314-55). It is therefore necessary for the City to establish local regulations to address such uses.

It is the intent of these regulations to ensure that such state-licensed uses are located and developed in a manner that is consistent with the desired character and standards of this community and its neighborhoods, minimizes potential incompatibilities and impacts, and protects the public health, safety and general welfare of the citizens of Tacoma.

Recognizing the voter-approved right to establish certain types of marijuana businesses, it is also the intent of these regulations to provide reasonable access to mitigate the illicit marijuana market and the legal and personal risks and community impacts associated with it.

B. Applicability. The provisions of this Section shall apply city-wide. The specific development standards provided in this Section shall be in addition to the zoning and development standards generally applicable to the proposed use and the relevant zoning district. All licensed marijuana uses are required to fully comply with the provisions of this Section.

1. No use that purports to be a marijuana producer, processor or retailer, as defined and regulated herein and in WAC 314-55, that was engaged in that activity prior to the enactment of this ordinance shall be deemed to have been a legally established use or entitled to claim legal non-conforming status.

2. For purposes of this Section and the standards applicable to state-licensed recreational marijuana uses, the terms and definitions provided in WAC 314-55 shall generally apply unless the context clearly indicates otherwise.

C. Standards.

1. Marijuana uses (marijuana producer, marijuana processor, and marijuana retailer) shall only be permitted as allowed under RCW 69.50 and WAC 314-55.

2. Marijuana uses shall only be allowed within the City of Tacoma if appropriately licensed by the State of Washington and the City of Tacoma, and operated consistent with the requirements of the State and all applicable City ordinances, rules, requirements and standards.

3. Marijuana uses shall only be allowed in those zoning districts where it is specifically identified as an allowed use (see the zoning district use tables, Sections 13.06.100, -.200, -.300, and -.400 and Chapter 13.06A).

4. Marijuana uses shall be designed to include controls and features to prevent odors from travelling off-site and being detected from a public place, the public right-of-way, or properties owned or leased by another person or entity.

5. Marijuana retail uses shall not include drive-throughs, exterior, or off-site sales.

6. In accordance with WAC 314-55-147, marijuana retail uses shall not be open to the public between the hours of 12 a.m. and 8 a.m.

7. Signage and advertising shall be allowed only in accordance with the standards set forth in TMC Sections 13.06.520 -.522, the additional standards set forth in WAC 314-55, and any other applicable standards or requirements.

8. Displays against or adjacent to exterior windows shall not include marijuana or marijuana paraphernalia.
9. Location requirements.

a. As provided in RCW 69.50.331 and WAC 314-55-050, marijuana uses shall not be allowed to locate within 1,000 feet of public parks, playgrounds, recreation/community centers, libraries, child care centers, schools, game arcades, and public transit centers. For purposes of this standard, these uses are as defined in WAC 314-55.

b. Marijuana retail uses shall not be allowed to locate within 1,000 feet of correctional facilities, court houses, drug rehabilitation facilities, substance abuse facilities, and detoxification centers.

c. The methodology for measuring the buffers outlined above in subsections 9.a and 9.b. shall be as provided in WAC 314-55.

d. It shall be the responsibility of the owner or operator of the proposed state-licensed marijuana use to demonstrate and ensure that a proposed location is not within one of the buffers outlined above in subsections 9.a and 9.b.

e. An existing nonconforming use located within a zoning district that would otherwise not permit marijuana uses, such as an old convenience store in a residential district, shall not be allowed to convert to a marijuana use.