



## **Legislation Passed June 13, 2023**

The Tacoma City Council, at its regular City Council meeting of June 13, 2023, 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.

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### **Resolution No. 41209**

A resolution authorizing the execution of an Interlocal Agreement with the State of Washington and various Pierce County towns and cities, for the creation of a regional Opioid Abatement Council, as required by Opioid Settlements.

[Jacques Colon, Chief Strategy Officer, Office of Strategy; Elizabeth Pauli, City Manager]

### **Resolution No. 41210**

A resolution awarding a contract to PumpTech, LLC, in the amount of \$587,110, plus applicable taxes, budgeted from the Wastewater Fund, for the procurement of Vaughan Chopper Pumps at the South Tacoma Pump Station - Sole Source.

[Lance Bunch, P.E., Project Manager; Michael P. Slevin III, P.E., Director, Environmental Services]

### **Resolution No. 41211**

A resolution awarding a contract to Scarsella Bros. Inc., in the amount of \$469,630, plus applicable taxes, plus a 20 percent contingency, budgeted from the Surface Water Fund, to repair erosion of two shoreline areas adjacent to the St. Paul Confined Disposal Facility, for a projected contract total of \$563,556 - Specification No. ES22-0371F.

[Jody Bratton, Project Manager; Michael P. Slevin III, Director, Environmental Services]

### **Resolution No. 41212**

A resolution authorizing an increase and extending the contract with Republic Parking Northwest, LLC d.b.a. Reef Parking, in the amount of \$200,000, plus applicable taxes, for a cumulative total of \$1,407,360, budgeted from the Tacoma Dome Fund, for professional parking services for the Tacoma Dome, through June 30, 2024 - Specification No. PF16-0327F.

[John McClees, Assistant Director; Adam Cook, Director, Tacoma Venues and Events]

### **Resolution No. 41213**

A resolution adopting the Tacoma Green Economic Development Strategy, to support the transition of existing local businesses and the recruitment of new businesses in producing more environmentally friendly products and processes.

[Pat Beard, Business Development Manager; Jeff Robinson, Director, Community and Economic Development]

**Resolution No. 41214**

A resolution authorizing the execution of a Letter of Agreement with the International Brotherhood of Electrical Workers, Local 483, Tacoma Power Unit, regarding the classification of Fire Maintenance Electrician.  
[Dylan Carlson, Labor Relations Division Manager; Bill Fosbre, City Attorney]

**Resolution No. 41215**

A resolution authorizing the one-time use of Council Contingency Funds, in the amount of \$7,000, to sponsor the Summer Coding Workshop Series.  
[Council Member Daniels]

**Resolution No. 41216**

A resolution authorizing the one-time use of Council Contingency Funds, in the amount of \$20,000, to support efforts to mitigate the impact of the City's light rail investment for the Hilltop Street Fair and Stadium Business District events.  
[Council Member Blocker]

**Resolution No. 41217**

A resolution authorizing the one-time use of Council Contingency Funds, in the amount of \$2,500, to sponsor the 2023 Juneteenth Celebration.  
[Mayor Woodards]

**Ordinance No. 28886**

An ordinance declaring the public necessity for, and providing for the acquisition by eminent domain of certain properties located between McKinley Avenue and Portland Avenue, to construct the pedestrian, signal safety, and road improvements in connection with the East 64th Street, Phase 2 Improvement Project.  
[Troy Stevens, Senior Real Estate Specialist; Josh Diekmann, P.E. PTOE, Interim Director, Public Works]

**Ordinance No. 28887**

An ordinance amending Title 8 of the Municipal Code, relating to Public Safety, by adding a new Chapter 8.190, entitled "Drug Crimes", and repealing in its entirety Chapter 8.29, entitled "Drug Paraphernalia", to comply with state law.  
[Keith Echterling, Deputy City Attorney; Bill Fosbre, City Attorney]



## RESOLUTION NO. 41209

1 A RESOLUTION authorizing the execution of an Interlocal Agreement with the  
2 State of Washington and various Pierce County towns and cities, for the  
3 creation of a regional Opioid Abatement Council, as required by Opioid  
Settlements.

4 WHEREAS the residents of the state of Washington and its communities  
5 have been harmed by entities within the pharmaceutical supply chain who  
6 manufacture, distribute, and dispense prescription opioids, and

7  
8 WHEREAS the City, along with the state and 33 of its local political  
9 subdivisions, including counties, cities, and towns with populations exceeding  
10 10,000 residents, are parties to litigation with opioid distributors and  
11 pharmaceutical supply chain participants in order to hold these entities  
12 accountable for the damage they have caused to community members and  
13 local governments, and

14  
15 WHEREAS this litigation is expected to result in settlements and/or  
16 judgments with direct money payments to the City and other parties of the  
17 litigation, and

18  
19 WHEREAS in order to comply with the One Washington Memorandum of  
20 Understanding ("MOU") between state municipalities, Pierce County has been  
21 designated as a region and must form an Opioid Abatement Council ("OAC") to  
22 fulfill auditing functions for spending of settlement funds, and

23  
24 WHEREAS in order to receive settlement funds, each party must sign  
25 onto the OAC Interlocal Agreement ("Agreement"), and has the opportunity to  
26 select a representative to serve as a Council Member to the OAC, and



1           WHEREAS by signing onto the Agreement to create the OAC, the City is  
2 fulfilling the requirement of the MOU and creating the conditions to receive the  
3 opioid litigation funding, however this does not determine or influence how the  
4 City may ultimately choose to use the funds; Now, Therefore,  
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6           BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

7           That the proper officers of the City are hereby authorized to execute an  
8 Interlocal Agreement with the State of Washington and various Pierce County  
9 towns and cities, for the creation of a regional Opioid Abatement Council, as  
10 required by Opioid Settlements, as more specifically set forth in the document on  
11 file in the office of the City Clerk..  
12

13 Adopted \_\_\_\_\_  
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15 \_\_\_\_\_  
16 Mayor

17 Attest:  
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19 \_\_\_\_\_  
20 City Clerk

21 Approved as to form:  
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23 \_\_\_\_\_  
24 Chief Deputy City Attorney  
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## RESOLUTION NO. 41210

1 A RESOLUTION related to the purchase of materials, supplies or equipment, and  
2 the furnishing of services; authorizing the waiver of competitive procurement  
3 procedures due to sole source availability; and authorizing the execution of  
4 a contract with PumpTech, LLC, in the amount of \$587,110, plus applicable  
5 taxes, budgeted from the Wastewater Fund, for the procurement of  
6 Vaughan Chopper Pumps at the South Tacoma Pump Station, pursuant to a  
7 Sole Source.

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

12 WHEREAS the Board of Contracts and Awards has concurred with the  
13 recommendation for award as set forth in the attached Exhibit "A"; Now,  
14 Therefore,

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

16 Section 1. That the Council of the City of Tacoma concurs with the  
17 Board of Contracts and Awards to adopt the recommendation for award as set  
18 forth in the attached Exhibit "A," and authorizes the waiver of competitive  
19 procurement procedures due to sole source availability.

20 Section 2. That the proper officers of the City are hereby authorized to  
21 enter into a contract with PumpTech, LLC, in the amount of \$587,110, plus  
22 applicable taxes, budgeted from the Wastewater Fund, for the procurement of  
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1 Vaughan Chopper Pumps at the South Tacoma Pump Station, pursuant to a  
2 Sole Source, consistent with Exhibit "A."

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4 Adopted \_\_\_\_\_

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Mayor

7 Attest:

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City Clerk

10 Approved as to form:

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City Attorney

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## RESOLUTION NO. 41211

1 A RESOLUTION related to the purchase of materials, supplies or equipment, and  
2 the furnishing of services; authorizing the execution of a contract with  
3 Scarsella Bros. Inc., in the amount of \$469,630, plus applicable taxes, plus  
4 a 20 percent contingency, budgeted from the Surface Water Fund, to repair  
5 erosion of two shoreline areas adjacent to the St. Paul Confined Disposal  
6 Facility, for a projected contract total of \$563,556, pursuant to Specification  
7 No. ES22-0371F.

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

12 WHEREAS the Board of Contracts and Awards has concurred with the  
13 recommendation for award as set forth in the attached Exhibit "A"; Now, Therefore,

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

15 Section 1. That the Council of the City of Tacoma concurs with the Board of  
16 Contracts and Awards to adopt the recommendation for award as set forth in the  
17 attached Exhibit "A."

18 Section 2. That the proper officers of the City are hereby authorized to  
19 enter into a contract with Scarsella Bros. Inc., in the amount of \$469,630, plus  
20 applicable taxes, plus a 20 percent contingency, budgeted from the Surface Water  
21 Fund, to repair erosion of two shoreline areas adjacent to the St. Paul Confined  
22 Disposal Facility,  
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for a projected contract total of \$563,556, pursuant to Specification

No. ES22-0371F, consistent with Exhibit "A."

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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





## RESOLUTION NO. 41212

1 A RESOLUTION related to the purchase of materials, supplies or equipment, and  
2 the furnishing of services; authorizing the increase and extension of  
3 Contract No. CW2245414 with Republic Parking Northwest, LLC d.b.a. Reef  
4 Parking, in the amount of \$200,000, plus applicable taxes, for a cumulative  
5 total of \$1,407,360, budgeted from the Tacoma Dome Fund, for professional  
6 parking services for the Tacoma Dome through June 30, 2024, pursuant to  
7 specification No. PF16-0327F.

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

12 WHEREAS the Board of Contracts and Awards has concurred with the  
13 recommendation for award as set forth in the attached Exhibit "A"; Now, Therefore,

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

15 Section 1. That the Council of the City of Tacoma concurs with the Board of  
16 Contracts and Awards to adopt the recommendation for award as set forth in the  
17 attached Exhibit "A."  
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Section 2. That the proper officers of the City are hereby authorized to increase Contract No. CW2245414 with Republic Parking Northwest, LLC d.b.a. Reef Parking, in the amount of \$200,000, plus applicable taxes, for a cumulative total of \$1,407,360, budgeted from the Tacoma Dome Fund, for professional parking services for the Tacoma Dome through June 30, 2024, pursuant to Specification No. PF16-0327F, consistent with Exhibit "A."

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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



## RESOLUTION NO. 41213

1 A RESOLUTION relating to economic development; adopting the Tacoma  
2 Green Economic Development Strategy, to support the transition of  
3 existing local businesses and the recruitment of new businesses in  
4 producing more environmentally friendly products and processes.

5 WHEREAS the City Council approved funding for a Green Economy  
6 Study as part of its allocation of 2022 American Rescue Plan Act funds, and

7 WHEREAS in the course of the initial study, staff learned that only four in  
8 ten (10) Seattle Metropolitan area families had a family-sustaining income prior  
9 to the COVID-19 pandemic, and

10 WHEREAS staff determined to use the study findings to develop a  
11 strategy with specific actions to prioritize in support of businesses and City's  
12 workforce, and

13 WHEREAS the fundamental premise behind the strategy is that due to  
14 consumer demand from households, businesses and a variety of sectors  
15 including manufacturing and construction, government policy actions to combat  
16 climate change, and federal and state funding opportunities, business practices  
17 and products are going to become more green, which we call the "greening  
18 economy", and

19 WHEREAS the strategy seeks to leverage the unique current policy and  
20 funding opportunities to benefit the City by bolstering traded sector jobs that  
21 bring revenue into the City and to prepare workers to do these types of jobs,  
22 and  
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WHEREAS the strategy is primarily focused on manufacturing in four  
1 key industry sectors: (1) clean energy; (2) industrial symbiosis; (3) green  
2 building products; and (4) maritime, and

3  
4 WHEREAS the strategy was put forward by an Advisory Committee  
5 made up of representatives with a diverse array of perspectives, as well as one  
6 on one interviews and group engagements with environmental action groups,  
7 manufacturers, climate and workforce experts, policy makers and economic  
8 development organizations, and

9  
10 WHEREAS during spring and summer, continued outreach will include  
11 Tacoma Public Schools, additional labor leaders, Tacoma Anchor Institutions,  
12 Washington Department of Commerce, and other groups to be identified; Now,  
13 Therefore,

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

15  
16 That the Tacoma Green Economic Development Strategy to support the  
17 transition of existing local businesses and the recruitment of new businesses in  
18 producing more environmentally friendly products and processes, as  
19 recommended by the Community and Economic Development Department is  
20 hereby adopted,  
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1 said document to be substantially in the form of the proposed document on file in  
2 the office of the City Clerk.

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4 Adopted \_\_\_\_\_

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Mayor

7 Attest:

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

10 Approved as to form:

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12 \_\_\_\_\_  
Deputy City Attorney



## RESOLUTION NO. 41214

1 A RESOLUTION related to collective bargaining; authorizing the execution of a  
2 Letter of Agreement negotiated between the City of Tacoma and the  
3 International Brotherhood of Electrical Workers, Local 483, Tacoma Power  
Unit, regarding the classification of Fire Maintenance Electrician.

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

7  
8 WHEREAS Resolution No. 40842, adopted September 21, 2021, authorized  
9 the execution of the three-year Collective Bargaining Agreement ("CBA") between  
10 the City of Tacoma and the International Brotherhood of Electrical Workers, Local  
11 483, Tacoma Power Unit ("Union"), on behalf of the employees represented by said  
12 Union, and

13  
14 WHEREAS the City and Union have negotiated a Letter of Agreement  
15 ("LOA") to the CBA to clarify the language for the Fire Maintenance Electrician  
16 compensation when assigned to Lead duties, and

17  
18 WHEREAS it appears in the best interests of the City that the LOA  
19 negotiated by said Union and the City be approved; Now, Therefore,

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

21 That the proper officers of the City are hereby authorized to execute the  
22 Letter of Agreement negotiated between the City of Tacoma and the International  
23 Brotherhood of Electrical Workers, Local 483, Tacoma Power Unit, regarding the  
24 classification of Fire Maintenance Electrician,  
25  
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1 said document to be substantially in the form of the agreement on file in the office of  
2 the City Clerk.

3 Adopted \_\_\_\_\_

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5 \_\_\_\_\_  
6 Mayor

7 Attest:

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9 City Clerk

10 Approved as to form:

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12 Deputy City Attorney  
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## RESOLUTION NO. 41215

1 BY REQUEST OF COUNCIL MEMBERS BUSHNELL, DANIELS, AND HINES

2 A RESOLUTION authorizing the one-time use of funds in the amount of \$7,000,  
3 budgeted from the Council Contingency Fund, to sponsor the Summer  
4 Coding Workshop Series developed by the Lifelong Kindergarten group at  
5 the Massachusetts Institute of Technology Media Lab and hosted by  
6 Tacoma Public Libraries.

7 WHEREAS the Lifelong Kindergarten group at the Massachusetts Institute of  
8 Technology Media Lab develops innovative technologies and cultivates caring  
9 communities to engage young people from diverse backgrounds in creative learning  
10 experiences, and

11 WHEREAS this Summer Coding Workshop Series ("Workshop Series") will  
12 focus on reaching a diverse group of participants and reinforcing stories from  
13 marginalized communities that are drawn from the Tacoma Public Library Summer  
14 Reading Program, and

15 WHEREAS this Workshop Series will provide an opportunity to explore and  
16 learn how to use a new block-based coding app being developed by the Lifelong  
17 Kindergarten group, and

18 WHEREAS the app allows users to take photos and record sounds, and then  
19 bring them to life with code, and

20 WHEREAS this Workshop Series will help participants build a wide variety of  
21 skills, including learning coding work and creative thinking by creating games,  
22 stories, and animations, and  
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WHEREAS the books selected for the Workshop Series will focus on  
amplifying stories from marginalized communities, including people of color,  
women, and people with disabilities, and

WHEREAS this new block-based coding language is set to be officially  
released in the fall of 2023, giving Tacoma's youth the opportunity to be amongst  
the first group of people to create using the app, and

WHEREAS this sponsorship would enable Lifelong Kindergarten group to  
purchase 20, 9th Generation iPads for the Workshop Series at an educational price  
of \$309.00 per iPad and critical accessories, and

WHEREAS, additionally, the sponsorship would include a memorandum of  
understanding between Lifelong Kindergarten group and the Tacoma Public Library  
for the iPads to be donated to the Library after the conclusion of the workshop  
series, and

WHEREAS the Workshop Series will be held at a variety of Tacoma Public  
Library locations and times in order to reach a diverse group of participants, and

WHEREAS, at the June 6, 2023, Study Session, Council Member Daniels,  
shared a Council Consideration Request to authorize the one-time use of up to  
\$7,000, from the Council Contingency Fund to sponsor the first Summer Coding  
Workshop Series developed by the Lifelong Kindergarten group at the  
Massachusetts Institute of Technology Media Lab and hosted by Tacoma Public  
Libraries, and

WHEREAS City staff will negotiate and execute an agreement for services,  
with terms and deliverables for the City's contribution, and



WHEREAS RCW 35.34.250 and 35.34.260 authorize a withdrawal from the Council Contingency fund for any municipal expense, the necessity or extent of which could not have been foreseen or reasonably evaluated at the time of adopting the budget, and

WHEREAS Ordinance No. 22569 requires an affirmative vote of not less than six members of the Council in order to withdraw moneys from this fund; Now, Therefore,

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

Section 1. That one-time funding in the amount of \$7,000, budgeted from the Council Contingency Fund, is hereby approved for the purpose of sponsorship of the Summer Coding Workshop Series developed by the Lifelong Kindergarten group at the Massachusetts Institute of Technology Media Lab and hosted by Tacoma Public Libraries.

Section 2. That the proper officers of the City are hereby authorized to confirm deliverables with Lifelong Kindergarten group at the Massachusetts Institute



of Technology Media Lab for the purposes hereinabove enumerated, and document  
as appropriate.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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



## RESOLUTION NO. 41216

1 BY REQUEST OF DEPUTY MAYOR WALKER AND COUNCIL MEMBERS  
2 BLOCKER AND RUMBAUGH

3 A RESOLUTION authorizing the one-time use of funds in the amount of \$20,000,  
4 budgeted from the Council Contingency Fund, to support efforts to mitigate  
5 the impact of the City's light rail investment for the Hilltop Street Fair and  
6 Stadium Business District events.

7 WHEREAS the Hilltop Business District Association ("HBDA") is working with  
8 a diverse group of stakeholders to hold the Hilltop Street Fair ("Street Fair"), a  
9 widely anticipated and signature community tradition since 2014, and

10 WHEREAS physical changes to the event's footprint are needed this year  
11 to accommodate the anticipated opening of the Hilltop Tacoma Link Extension  
12 ("HTLE") of the Sound Transit Tacoma Line, and

13 WHEREAS the HBDA does not currently have the event planning capacity to  
14 plan the Street Fair on a disrupted footprint which also minimizing disruptions on  
15 Martin Luther King Jr Way ("MLK") from 9th Street to 14th Street, and 10th Street to  
16 "L" Street to other adjacent Hilltop locations, and this funding is meant to build that  
17 capacity, and

18 WHEREAS the HBDA needs an event planner with specific logistical, safety,  
19 and regulatory planning skills to ensure the City's light rail investment does not  
20 unintentionally damage the ability of the Street Fair to build and celebrate  
21 community, and  
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WHEREAS this contingency fund request will also include monies for  
1 consultative services to the Stadium Business District for their growing Art and  
2 Wine Walk and/or other events that may be impacted by the HTLE rail lines, and

3  
4 WHEREAS the impact to these events is likely to be less than the Street Fair  
5 because Stadium Business District events will be held adjacent to the HTLE rail  
6 lines, therefore much of the funding will go toward the HBDA, and

7 WHEREAS this Contingency request funding will be used to: (1) Advise  
8 on event logistics that maximizes community assets, while keeping off MLK and  
9 adhere to Sound Transit safety requirements, (2) Develop a traffic control plan  
10 approved by the Permit Office for 2023 and future events, (3) Create an event  
11 how-to manual (digital and hard copy) with tips on best practices such as  
12 timelines, so future event planners can replicate the work, (4) Manage permit  
13 process with local government and Sound Transit, (5) Assist in aligning the  
14 event with Sound Transit Grand Opening plans where possible, (6) Regular  
15 check in with community event leaders and assist in communications with the  
16 City and Sound Transit, (7) Load-in and day of event consulting support, and  
17 (8) Consultative services to Stadium Business District for Art and Wine  
18 Walk/other events, and  
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1           WHEREAS, at the June 6, 2023, Study Session, Council Member Blocker  
2 shared a Council Consideration Request to authorize the one-time use of \$20,000  
3 from the Council Contingency Fund to support efforts to mitigate the impact of the  
4 City's light rail investment for the Hilltop Street Fair and Stadium Business District  
5 events, and  
6

7           WHEREAS City staff will negotiate and execute an agreement for services,  
8 with terms and deliverables for the City's contribution, and  
9

10           WHEREAS RCW 35.34.250 and 35.34.260 authorize a withdrawal from the  
11 Council Contingency fund for any municipal expense, the necessity or extent of  
12 which could not have been foreseen or reasonably evaluated at the time of  
13 adopting the budget, and  
14

15           WHEREAS Ordinance No. 22569 requires an affirmative vote of not less  
16 than six members of the Council in order to withdraw moneys from this fund; Now,  
17 Therefore,  
18

19           BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:  
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21           Section 1. That one-time funding in the amount of \$20,000, budgeted from  
22 the Council Contingency Fund, is hereby approved for the purpose of supporting  
23 efforts to mitigate the impact of the City's light rail investment for the Hilltop Street  
24 Fair and Stadium Business District events.  
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Section 2. That the proper officers of the City are hereby authorized to confirm deliverables with the Hilltop Business District Association for the purposes hereinabove enumerated, and document as appropriate.

Adopted \_\_\_\_\_

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Mayor

Attest:

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

Approved as to form:

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



## RESOLUTION NO. 41217

1 BY REQUEST OF MAYOR WOODARDS AND COUNCIL MEMBERS BLOCKER  
2 AND DANIELS

3 A RESOLUTION authorizing the one-time use of funds in the amount of \$2,500,  
4 budgeted from the Council Contingency Fund, to sponsor the City's 2023  
5 Juneteenth Celebration.

6 WHEREAS the City recognized the Juneteenth holiday for employees in  
7 2022, and held a community celebration and inauguration of the Black Lives Matter  
8 mural at Tollefson Plaza, and

9 WHEREAS, Juneteenth commemorates the events of June 19, 1865, when  
10 Major General Gordon Granger led Union soldiers into Galveston, Texas, bringing  
11 news that the Civil War had ended and that the Emancipation Proclamation had  
12 declared all enslaved people free nearly two and a half years earlier, and

13 WHEREAS, Juneteenth not only reminds us that our history remains stained  
14 by injustice but calls us to action to build a future for all our children where systemic  
15 inequities that have created barriers for them no longer exist, and

16 WHEREAS, the celebration of Juneteenth matters as a celebration of the  
17 liberation from beliefs, policies, and systems that were and are discriminatory,  
18 immoral, and inhumane, and represents resistance, resilience, and Black Joy, and

19 WHEREAS, the City of Tacoma Human Rights Commission recognizes that  
20 the celebration of Juneteenth offers our community the opportunity to reflect on the  
21 grievous and ongoing legacy of slavery, and to rededicate ourselves to rooting out  
22 the systemic racism that continues to plague our communities, and  
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1 WHEREAS, the funding will support painting supplies for the mural,  
2 advertising, dancing, music, performers, and speakers, as well as tables and chairs  
3 needed for the community fair, and  
4

5 WHEREAS, this family friendly event and celebration of Juneteenth will  
6 happen in front of the Black Lives Matter mural and be surrounded by speakers,  
7 resources, and a community fair with local organizations represented, and through  
8 this event, the City encourages our residents to reflect on the themes of Black and  
9 African American liberation, healing, and transformation for our city, and hope the  
10 event will provide inspiration, history, and opportunities to engage in solutions in  
11 addressing systemic inequities, and  
12

13 WHEREAS, at the June 6, 2023, Study Session, Mayor Woodards shared a  
14 Council Consideration Request to authorize the one-time use of \$2,500 from the  
15 Council Contingency Fund to sponsor the City's 2023 Juneteenth Celebration, and  
16

17 WHEREAS RCW 35.34.250 and 35.34.260 authorize a withdrawal from the  
18 Council Contingency fund for any municipal expense, the necessity or extent of  
19 which could not have been foreseen or reasonably evaluated at the time of  
20 adopting the budget, and  
21

22 WHEREAS Ordinance No. 22569 requires an affirmative vote of not less  
23 than six members of the Council in order to withdraw moneys from this fund; Now,  
24 Therefore,  
25  
26



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

Section 1. That one-time funding in the amount of \$2,500, budgeted from the Council Contingency Fund, is hereby approved for the purpose of sponsoring the City's 2023 Juneteenth Celebration.

Section 2. That the proper officers of the City are hereby authorized to confirm deliverables with the City of Tacoma Human Rights Commission for the purposes hereinabove enumerated, and document as appropriate.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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



## ORDINANCE NO. 28886

AN ORDINANCE relating to transportation, streets, and safety; declaring the public necessity for, and providing for the acquisition by the City of Tacoma by eminent domain of certain property located between McKinley Avenue and Portland Avenue, to construct the pedestrian, signal safety improvements, and road improvements in connection with the East 64th Street, Phase 2 Improvement Project.

WHEREAS the City is planning to improve East 64th Street from Pacific Avenue to the eastern City limits, which is approximately 1.86 miles, and

WHEREAS this project is divided into three phases; Phase 1 improved the roadway between Pacific Avenue (State Route 7) and McKinley Avenue, and was completed in 2021, and

WHEREAS Phase 2 will continue this work between McKinley Avenue and Portland Avenue, and will include grinding and replacing the road surface, adding bike lanes, adding and replacing sidewalks, adding curb ramps with



1 ramps meeting the Americans with Disabilities Act standards, upgrading the  
2 stormwater system, and installing new streetlights, and is expected to go to  
3 construction in 2023, and  
4

5 WHEREAS the final phase, Phase 3 will continue the improvements  
6 from Portland Avenue to the eastern City limits in the future, and  
7

8 WHEREAS 72 out of the total 79 parcel negotiations have been  
9 completed successfully, however there are currently seven parcel  
10 negotiations in which negotiations have been delayed, stalled, or have  
11 otherwise come to an impasse, and  
12

13 WHEREAS property right acquisitions on the remaining parcels are  
14 comprised of temporary construction easements, minor right-of-way fee  
15 acquisitions, or a combination thereof, and the outstanding parcel negotiations  
16 are critical to allow the project to proceed and to avoid impacts to grant funding  
17 timelines and deadlines, and  
18

19 WHEREAS negotiations will continue with the property owners up until  
20 trial or final settlement, and if the property owners settle, they will be removed  
21 from the potential condemnation action, and  
22  
23



1 WHEREAS the City Council is exercising its independent discretion to  
2 proceed with eminent domain to establish the right to take such property for  
3 a public purpose and to settle the amount of compensation owing to the  
4 property owners; Now, Therefore,  
5

6 BE IT ORDAINED BY THE CITY OF TACOMA:

7 Section 1. Findings.  
8

9 A. The City Council finds that the public use, necessity, and  
10 convenience now require the acquisition of fee interests and temporary  
11 easements in certain portions of parcels of real property located within and  
12 adjacent to the East 64th Street corridor, between McKinley Avenue and  
13 Pacific Avenue to the eastern City limits for the construction of pedestrian,  
14 signal safety improvements, and road improvements in connection with the  
15 East 64th Street Phase 2 Improvement Project ("Project").  
16  
17

18 B. The property to be taken pursuant to this Ordinance includes fee  
19 and temporary easement interests in portions of seven (7) parcels  
20 commonly referred to as: (1) 1017 East 64th Street, (2) 1021 East 64th  
21 Street, (3) 1021 East 64th Street (vacant lot), (4) 1117 East 64th Street,  
22  
23



1 (5) 1231 East 64th Street, (6) 1320 East 64th Street, and (7) 1429 East  
2 64th Street ("Subject Property"), depicted on the map attached hereto as  
3 Exhibit "A."  
4

5 C. The City of Tacoma, by and through its Public Works Department,  
6 has actively worked in good faith to acquire the Subject Property by  
7 negotiated sale.  
8

9 D. Honest differences of opinion exist between the City of Tacoma  
10 and the owners of the Subject Property.  
11

12 E. The City of Tacoma's Public Works Department has a Six-Year  
13 Comprehensive Transportation Improvement Program, which indicates that  
14 the Subject Property is necessary in the public interest and convenience to  
15 be acquired for the Project.  
16

17 F. Due to the public need for pedestrian safety improvements to  
18 accommodate present growth, development, and traffic needs, the public  
19 necessity and convenience requires the City to initiate the acquisition of the  
20 Subject Property by exercise of the power of eminent domain.  
21  
22  
23



1           G. The Subject Property to be acquired by negotiated sale or by  
2 eminent domain proceedings authorized by this Ordinance are within the city  
3 limits of the City of Tacoma, Pierce County, Washington and are necessary  
4 for the Project.  
5

6           Section 2. The Subject Property to be acquired by eminent domain  
7 proceedings, shall be acquired only after just compensation has been made  
8 or paid into the Pierce County Superior Court registry or special account for  
9 the benefit of the owner or owners in a manner provided by law.  
10

11           Section 3. All just compensation, fees, and costs associated with the  
12 acquisition by eminent domain proceedings of the Subject Property, shall be  
13 paid from the Transportation Capital Fund, and if this fund were insufficient,  
14 from the City's General Fund or other funds then available for such  
15 purposes.  
16  
17

18           Section 4. The City Attorney is hereby authorized to begin and  
19 prosecute the actions and proceedings in the manner provided by law to  
20 condemn, take, and appropriate all lands and other properties as necessary  
21 to carry out the provisions of this Ordinance. The City Attorney is also  
22  
23



1 authorized to enter into stipulations for the purpose of minimizing damages,  
2 including all stipulations authorized by Washington State law.  
3

4 Passed \_\_\_\_\_

7 \_\_\_\_\_  
Mayor

8 Attest:

9  
10 \_\_\_\_\_  
City Clerk

11  
12 Approved as to form:

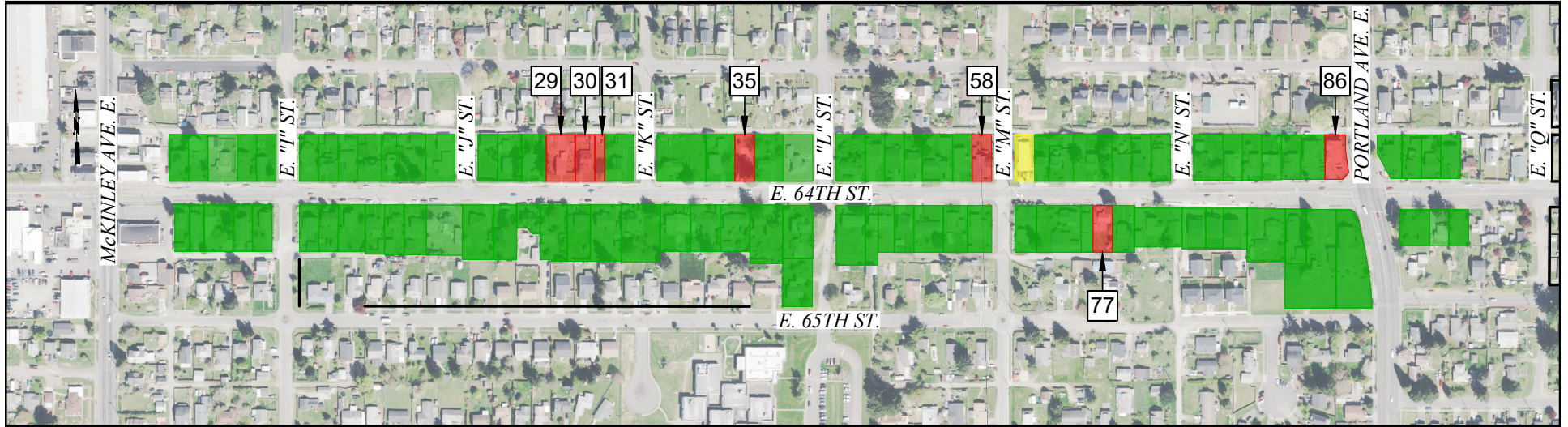
13  
14 \_\_\_\_\_  
Deputy City Attorney






# EXHIBIT A

## E 64th St Phase 2

### ROW Acquisition Status



### LEGEND

-  ACQUIRED
-  PENDING
-  POSSIBLE CONDEMNATION



## ORDINANCE NO. 28887

1 AN ORDINANCE relating to Public Safety; amending Title 8 of the Municipal  
2 Code, by adding a new Chapter 8.190, entitled "Drug Crimes," and  
3 repealing in its entirety Chapter 8.29, entitled "Drug Paraphernalia," to  
4 comply with state law.

5 WHEREAS on May 16, 2023, the Washington State Legislature adopted  
6 2nd Engrossed 2nd Substitute Senate Bill ("2E2SSB") 5536 Chap. 1, Laws of  
7 2023, 1st Special Session amending Chapters 69.50 and 69.41 of the Revised  
8 Code of Washington ("RCW") related to state drug laws, and

9 WHEREAS the State Legislature has preempted local jurisdictions (cities  
10 and counties) from enacting local laws that differ in penalties from state laws  
11 related to controlled substances, counterfeit substances, legend drugs, and drug  
12 paraphernalia, and

13 WHEREAS the State of Washington now will preempt the entire field of  
14 regulating drug paraphernalia, allowing local jurisdictions to only pass drug  
15 paraphernalia laws authorized by, and consistent with, state law, including  
16 penalty provisions, and

17 WHEREAS the City's law chapter 8.29 of the Tacoma Municipal Code  
18 related to drug paraphernalia is not in compliance with the penalties related to  
19 the new state law and must be repealed and replaced by reference to the state  
20 laws RCW 69.50.4121 and 69.50.412, and

21 WHEREAS adopting the applicable sections of 2E2SSB 5536 Chap. 1, Laws  
22 of 2023, 1st Special Session is necessary to maintain local control of the  
23  
24  
25  
26



1 prosecution and adjudication of misdemeanor violations of these laws by our City  
2 Municipal Court; Now, Therefore,

3 BE IT ORDAINED BY THE CITY OF TACOMA:

4 Section 1. That the City Council hereby adopts the Recitals of this  
5 Ordinance as its formal legislative findings.  
6

7 Section 2. That Title 8 of the Tacoma Municipal Code ("TMC") is hereby  
8 amended by adopting by reference those portions of Chapters 69.50 and 69.41 of  
9 the Revised Code of Washington ("RCW") as amended by 2nd Engrossed 2nd  
10 Substitute Senate Bill ("2E2SSB") 5536 Chap. 1, Laws of 2023, 1st Special Session  
11 including RCW 69.50.4121 related to drug paraphernalia, and also RCW 69.50.412  
12 related to certain uses of drug paraphernalia, all as set forth in the attached  
13 Exhibit "A."  
14

15 Section 3. That Title 8 of the TMC is hereby amended by adding a new  
16 Chapter 8.190, entitled "Drug Crimes," as set forth in the attached Exhibit "A."  
17

18 Section 4. That Chapter 8.29 of the TMC, entitled "Drug Paraphernalia" is  
19 repealed in its entirety.

20 Section 5. This ordinance shall go into effect at 12:01 A.M. on August 14,  
21 2023.  
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Section 6. 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 8.190 DRUG CRIMES

#### Sections:

8.190.010 Counterfeit Substance.

8.190.020 Controlled Substance.

8.190.030 Cannabis.

8.190.040 Legend Drug.

8.190.050 Drug Paraphernalia.

#### 8.190.010 Counterfeit Substance.

Section 69.50.4011 RCW, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties.

#### 8.190.020 Controlled Substance.

Section 69.50.4013 RCW, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties.

#### 8.190.030 Cannabis.

Section 69.50.4014 RCW, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties.

#### 8.190.040 Legend Drug.

Section 69.41.030 RCW, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties.

#### 8.190.050 Drug Paraphernalia.

Sections 69.50.4121 and 69.50.412 RCW, as now enacted or hereinafter amended, are hereby adopted by reference as if fully set forth herein, including penalties.



CHAPTER 8.29  
DRUG PARAPHERNALIA

**Sections:**

~~8.29.005 Enforcement priority.  
8.29.010 Findings.  
8.29.020 Intent and purpose.  
8.29.030 Definitions.  
8.29.040 Repealed.  
8.29.050 Repealed.  
8.29.060 Illegal conduct.  
8.29.065 Repealed.  
8.29.070 Violation—Penalty.  
8.29.080 Revocation of business license.  
8.29.090 Repealed.  
8.29.100 Exceptions.  
8.29.110 Seizure.  
8.29.120 Severability.~~

**~~8.29.005 Enforcement priority.~~**

~~The police chief and city attorney shall make the investigation, arrest, and prosecution of cannabis (a/k/a "marijuana")~~

~~offenses the lowest enforcement priority, as this term may be defined in their policies and procedures manuals, for adult personal use.~~

**~~8.29.010 Findings.~~**

~~The illegal use of controlled substances within the City creates serious social, medical, and law enforcement problems and constitutes a nuisance hazardous to the health and welfare of the citizens of the City. It causes serious physical and psychological damage to the youth of this community, impairs educational achievement and efficiency, increases non drugrelated crime, and threatens the ability of the community to ensure future generations of responsible and productive adults.~~

~~The proliferation of the display of drug paraphernalia in stores within the City, and the manufacture, distribution, and sale of~~

~~such paraphernalia, intensifies and otherwise compounds the problem of illegal use of controlled substances within this~~

~~community. All of the foregoing is detrimental to the health, safety, and welfare of the citizens of Tacoma.~~

**~~8.29.020 Intent and purpose.~~**

~~A. The City Council has been aware of and concerned about the general proliferation of establishments engaged in the sale of~~

~~paraphernalia associated with drug use. In 1980, the City Council passed Ordinance No. 22182, regulating the display of drug~~

~~paraphernalia to minors. However, the City Council now finds that the present ordinance has been ineffective and the~~



continued proliferation of drug paraphernalia and illegal use of controlled substances by all persons, especially those under 18

years of age, requires further legislation on the subject.

~~B. The display of drug paraphernalia in stores within the City, and the distribution of such paraphernalia, intensifies and~~

~~otherwise compounds the problem of illegal use of controlled substances within this community. A ban only upon the display~~

~~and distribution of drug paraphernalia to persons under 18 years of age has not proven practical. A person who displays or distributes has difficulty determining who could lawfully view or receive drug paraphernalia.~~

~~C. The present ordinance creates an unnecessary enforcement burden by adding the age of a person who views or receives paraphernalia as an element of a prohibition upon display and distribution. A significant number of high school students are 18 years of age or older. It would be lawful to display and distribute paraphernalia to some students attending the same school in which the display or distribution to other students would be prohibited. Permitted display and distribution to adults within the community symbolizes a public tolerance of illegal drug use, making it difficult to explain the rationale of programs directed against similar abuse by youth. The problem of illegal consumption of controlled substances within this community is significant and substantial.~~

~~D. This chapter is a measure which is necessary in order to discourage the illegal use of controlled substances within the community. Therefore, it is the purpose and intent of the City Council to introduce this measure banning the manufacture, distribution, display, and sale of drug paraphernalia in order to discourage the illegal use of controlled substances within the City.~~

#### **8.29.030 Definitions.**

~~A. As used in this chapter, "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as defined by chapter 69.50 RCW, possession of which is unlawful under chapter 69.50 RCW. It includes, but is not limited to:~~

~~1. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;~~

~~2. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;~~

~~3. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;~~

~~4. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances;~~

~~5. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;~~

~~6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting controlled substances;~~

~~7. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;~~

~~8. Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances;~~



9. Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
10. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;
11. Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;
12. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
- a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
  - b. Water pipes;
  - c. Carburetion tubes and devices;
  - d. Smoking and carburetion masks;
  - e. Roach clips: Meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
  - f. Miniature cocaine spoons, and cocaine vials;
  - g. Chamber pipes;
  - h. Carburetor pipes;
  - i. Electric pipes;
  - j. Air driven pipes;
  - k. Chillums;
  - l. Bongs; and
  - m. Ice pipes or chillers.
- B. In determining whether an object is drug paraphernalia under this section, a court or other authority should consider, in addition to all other logically relevant factors, the following:
- 1. Statements by an owner, or by anyone in control of the object, concerning its use;
  - 2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;
  - 3. The proximity of the object, in time and space, to a direct violation of chapter 69.50 RCW;
  - 4. The proximity of the object to controlled substances;
  - 5. The existence of any residue of controlled substances on the object;
  - 6. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of chapter 69.50 RCW; the innocence of an owner, or of anyone in control of the object, as to a direct violation of chapter 69.50 RCW shall not prevent a finding that the object is intended or designed for use as drug paraphernalia;
  - 7. Instructions, oral or written, provided with the object concerning its use;
  - 8. Descriptive materials accompanying the object which explain or depict its use;
  - 9. National and local advertising concerning its use;
  - 10. The manner in which the object is displayed for sale;





11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

12. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;

13. The existence and scope of legitimate uses for the object in the community; and

14. Expert testimony concerning its use.

**8.29.040 Display or sale—Revocation of business license.** Repealed by Ord. 27639.

**8.29.050 Distribution—Revocation of business license.** Repealed by Ord. 27639.

**8.29.060 Illegal conduct.**

A. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance other than marijuana. Any person who violates this subsection is guilty of a misdemeanor.

B. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance other than marijuana. Any person who violates this subsection is guilty of a misdemeanor.

C. Any person 18 years of age or over who violates subsection B of this section by delivering drug paraphernalia to a person under 18 years of age who is at least three years his junior is guilty of a gross misdemeanor.

D. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of drug paraphernalia. Any person who violates this subsection is guilty of a misdemeanor.

E. Every person who sells or gives, or permits to be sold or given to any person, any drug paraphernalia in any form commits a class I civil infraction under chapter 7.80 RCW. For purposes of this subsection, “drug paraphernalia” means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance other than marijuana. Drug paraphernalia includes, but is not limited to, objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing cocaine into the human body, such as:

1. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, or punctured metal bowls;

2. Water pipes;

3. Carburetion tubes and devices;

4. Smoking and carburetion masks;

5. Miniature cocaine spoons and cocaine vials;

6. Chamber pipes;

7. Carburetor pipes;



8. Electric pipes;

9. Air driven pipes; and

10. Ice pipes or chillers.

F. It shall be no defense to a prosecution for a violation of subsection E that the person acted, or was believed by the defendant to act, as agent or representative of another.

G. Nothing in subsection E of this section prohibits legal distribution of injection syringe equipment through public health and community-based HIV prevention programs, and pharmacies.

**8.29.065 Illegal conduct.** Repealed by Ord. 27272.

**8.29.070 Violation—Penalty.**

Violations of this chapter shall constitute a separate offense for each day upon which the violation occurs or is allowed to continue. Any person convicted of having violated a section of this chapter identified as a gross misdemeanor shall be punished by a fine of not more than \$5,000 or a jail sentence of not more than one year, or both such fine and imprisonment.

Any person convicted of having violated a section of this chapter identified as a misdemeanor shall be punished by a fine of not more than \$1,000 or a jail sentence of not more than 90 days, or both such fine and imprisonment. Any person convicted of violating this chapter shall be subject to the minimum penalties set forth in RCW 69.50.425 as now enacted or subsequently amended.

**8.29.080 Revocation of Business License.**

A. The purpose of this chapter is to protect the welfare, health, peace, and safety of the citizens of Tacoma by assuring that businesses within City boundaries conduct their business in a manner that does not promote or encourage the use of illegal drugs within the community.

1. Any license issued under Title 6 TMC may be suspended or revoked for any violation of this chapter by the licensee, or his or her agents or employees on the premises of the licensed business. For the purposes of this section, the term “premises” includes a vehicle.

2. Any license issued under Title 6 TMC may be suspended or revoked for any violation of this chapter by persons other than those listed in subsection (a) when the business owner or operator can reasonably control or prevent the violation.

3. Past violation of this chapter may be considered under Title 6 TMC in determining whether to issue a business license to any person.

4. The standard of proof for a violation is a preponderance of the evidence. It is not necessary for a person to be charged with or convicted of a crime for a violation to occur. Suspension or revocation of a license shall be in addition to any other remedy provided by law, including the penalty provisions applicable for violation of the terms and provisions of this chapter.

5. The procedures for suspending or revoking a license and any appeal of the suspension or revocation shall be in accordance with Title 6 TMC.

B. For a first violation of this chapter, the license of the owner shall be suspended for 30 days. During this 30 day period, the owner shall cease all activity related to that license. At the end of the 30 day period, the license may be reinstated, provided that the licensee refrains from violating this chapter or other provisions of law and complies with all other legal requirements.

The 30 day period shall run from the date of suspension unless a timely appeal is filed. In the event a timely appeal is filed but ultimately denied, the 30 day period shall begin to run the day after all appellate remedies have been exhausted.

C. If a licensee engages in activity during any period of suspension or subsequently violates this chapter at any time after a first violation, the license shall be revoked for a period of one year. The one year period shall run from the date of revocation unless a timely appeal is filed. In the event a timely appealed



is filed but ultimately denied, the one-year period shall begin to run the day after all appellate remedies have been exhausted. The licensee shall not be eligible for any license from the City of Tacoma during this period. At the end of the one-year period, the licensee may apply for a new license, provided that the

licensee complies with all requirements for such a license, posts a \$50,000 performance bond, refrains from violating this chapter or other provisions of law, and complies with all other legal requirements. The performance bond must continue in effect for all periods during which the licensee conducts business or a licensed activity in the City of Tacoma. The performance bond shall be forfeited and the license permanently revoked should the licensee subsequently violate this chapter or other provisions of law.

D. Second revocation of license. If a license is revoked and a performance bond forfeited pursuant to Section C of this subsection, the licensee shall never be eligible for any license to conduct or manage any business or activity in the City of Tacoma.

E. The penalties set forth herein and throughout this chapter apply to the licensee or any business or entity in which the licensee has an ownership interest or membership, or in which the licensee has or has had influence or control. A licensee may not circumvent the provisions of this chapter by applying for a license in the name of a spouse, relative, or other person, or by using shell business entities. The Tax & License Division Manager may require any license applicant to provide such documentation as necessary to fully determine the true status of ownership, control, and finances of that business.

F. The remedies under this section shall be in addition to any other remedy provided by law, including the penalty provisions applicable for violation of the terms and provisions of this chapter.

**8.29.090 Nuisance or chronic nuisance.** Repealed by Ord. 27639.

**8.29.100 Exceptions.**

This section shall not apply to:

(1) any person authorized by local, state, or federal law to manufacture, possess, or distribute such items, or

(2) any item that, in the normal lawful course of business, is imported, exported, transported, or sold through the mail or by any other means, and traditionally intended for use with tobacco products.

**8.29.110 Seizure.**

Any drug paraphernalia that was displayed, distributed, used, possessed, sold, or manufactured in violation of this section may be seized and, after a conviction for that violation, shall be forfeited, and upon forfeiture shall be disposed of pursuant to RCW 69 or any other applicable provision of law.

**8.29.120 Severability.**

If any provision or section of this chapter shall be held to be void or unconstitutional, all other parts, provisions, and sections of this chapter not expressly so held to be void or unconstitutional shall continue in full force and effect.

\* \* \*