

**Ordinance No. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING OLYMPIA MUNICIPAL CODE SECTION 18.51.040 RELATED TO THE HOURS OF OPERATION OF STATE LICENSED MARIJUANA RETAIL ESTABLISHMENTS OPERATING WITHIN THE CITY OF OLYMPIA**

**WHEREAS**, the Olympia Municipal Code currently provides for hours of operation of retail state licensed marijuana establishments between the hours of 8:00 a.m. to 9:00 p.m.; and

**WHEREAS**, since the commencement of state licensed retail marijuana establishments in the City of Olympia, there have not been reports or concerns of negative impacts related to their operation; and

**WHEREAS**, the Washington State Liquor and Cannabis Board (the "WSLCB") has established permitted hours of operation for state licensed retail marijuana establishments between the hours of 8:00 a.m. to 12:00 a.m. as provided by WAC 314-55-147, and it is reasonable for the City to align its permitted hours of retail operation of with those hours of operation permitted by the WSLCB;

**NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:**

**Section 1. Amendment of OMC 18.51.040.** Olympia Municipal Code Section 18.51.040 is hereby amended to read as follows:

18.51.040 State-Licensed Marijuana Producer, Processor and Retailer Requirements

A. General requirements.

A marijuana producer, processor, or retailer licensed by the State of Washington Liquor and Cannabis Board shall be required to comply with all applicable regulations established by the City including, but not limited to, all building and fire code regulations and zoning regulations and shall be required to provide a copy of the state-issued license to the City upon request. A marijuana producer, processor, or retailer licensed by the State of Washington Liquor Control Board shall also be required to comply with all applicable state regulations and all requirements set forth in the state-issued license.

B. Premises Requirements.

A recreational producer, processor, or retailer must operate in compliance with the following conditions:

1. From a public right-of-way, there shall be no exterior display of marijuana or marijuana cultivation visible outside of the premises.
2. The marijuana of a retailer, producer, or processor shall be entirely within a permanent enclosed structure with a roof. The structure shall comply with all applicable code requirements.
3. Areas where marijuana is grown, stored, or dispensed must be provided with ventilation systems so that no odors are detectable off the premises.
4. All premises must comply with the noise control requirements of the Olympia Municipal Code.

5. No minors shall be permitted on marijuana producer, processor, or retailer premises unless accompanied by a parent or guardian.
6. Consumption of marijuana, products containing marijuana or alcohol on the premises is prohibited, as are any other associated uses such as a smoking room, dance or performance space, private club, open-to-the-public nightclub, cabaret, tavern, or similar establishment.
7. All premises must have an operating security and alarm system that is monitored twenty-four (24) hours a day and that includes a video recording system that monitors production, storage, and point of sale areas. All video recordings must be continuously recorded twenty-four (24) hours a day and must be kept for a minimum of forty-five (45) days on the licensee's recording device. All videos are subject to inspection by the Olympia Police Department upon request.
8. A recreational retailer may be open only between the hours of 8 a.m. and ~~9 p.m.~~ 12:00 a.m. or as otherwise permitted by rule or regulation of the Washington State Liquor and Cannabis Board.

### C. City Zoning

#### 1. State-Licensed Marijuana Retailers

- i. No person may conduct business within the City of Olympia as a state-licensed marijuana retailer unless they are located within a HCD3, HDC4, MS or GC Zone in accordance with OMC Title 18, Unified Development Code and licensed under this chapter.
- ii. No state-licensed marijuana retailer shall be permitted within five hundred (500) feet of the perimeter of the grounds of a recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged twenty-one (21) years or older, with the exception of the elementary schools, secondary schools, and playgrounds, for which uses the distance shall remain at one thousand (1,000) feet.
- iii. Waste products must be disposed of in a secure manner that would prevent exposure to the public or create a nuisance.
- iv. A retailer is required to obtain a conditional use permit approved by the Hearing Examiner pursuant to chapter 18.48 OMC.

#### 2. State-Licensed Marijuana Producers and Processors

- v. No person may conduct business within the City of Olympia as a state-licensed marijuana producer or processor unless it is located within a light industrial zone in accordance with OMC Title 18, Unified Development Code, and licensed under this chapter.
- vi. Waste products must be disposed of in a secure manner that would prevent exposure to the public or create a nuisance.
- vii. A producer and/or processor is required to obtain a conditional use permit.

**Section 2. Corrections.** The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 3. Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

**Section 4. Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 5. Effective Date.** This Ordinance shall take effect thirty (30) days after publication, as provided by law.

\_\_\_\_\_  
MAYOR

**ATTEST:**

\_\_\_\_\_  
CITY CLERK

**APPROVED AS TO FORM:**

Mark Barber  
\_\_\_\_\_  
CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**