

Legislation Details (With Text)

File #: 2012-0142 **Version:** 3

Type: Ordinance **Status:** Passed

File created: 4/23/2012 **In control:** Transportation, Economy, and Environment Committee

On agenda: 7/9/2012 **Final action:** 7/9/2012

Enactment date: 7/18/2012 **Enactment #:** 17375

Title: AN ORDINANCE relating to prohibiting the use of tobacco products in high-use areas in King County parks and recreation facilities; amending Ordinance 14509, Section 4, and K.C.C. 7.01.010, adding a new section to K.C.C. chapter 7.12 and prescribing penalties.

Sponsors: Joe McDermott

Indexes: Parks and Recreation

Code sections: 7.01.010 - .

Attachments: 1. Ordinance 17375.pdf, 2. 2012-0142 transmittal letter, 3. 2012-0142 fiscal note, 4. 2012-0142 notice of public hearing, 5. 2012-0142 news release, 6. 2012-0142 Staff Report - tobacco free.doc, 7. 2012-0142 Attach 4.pdf, 8. 2012-0142 attach 5.pdf, 9. 2012-0142 attach 6 - Amendment, BAR edits khm.doc, 10. 2012-0142 Amendment Package 6-18-12.pdf, 11. 2012-0142 hearing notice with 6-20 edits.doc, 12. Affidavit of Public Hearing - Seattle Times.pdf, 13. 2012-0142 Revised Staff Report - tobacco free.doc

Date	Ver.	Action By	Action	Result
7/9/2012	3	Metropolitan King County Council	Hearing Held	
7/9/2012	3	Metropolitan King County Council	Passed	Pass
6/18/2012	2	Metropolitan King County Council	Hearing Held	
6/6/2012	1	Transportation, Economy, and Environment Committee	Recommended Do Pass Substitute	Pass
4/23/2012	1	Metropolitan King County Council	Introduced and Referred	

Clerk 04/12/2012

AN ORDINANCE relating to prohibiting the use of tobacco products in high-use areas in King County parks and recreation facilities; amending Ordinance 14509, Section 4, and K.C.C. 7.01.010, adding a new section to K.C.C. chapter 7.12 and prescribing penalties.

STATEMENT OF FACTS:

1. The King County parks and recreation division operates more than two hundred parks, one hundred seventy-five miles of regional trails, and welcomes five million visitors annually. The system's assets

contribute to the health, well-being and enjoyment of the regional population and rural, unincorporated communities. In particular, by offering low-cost opportunities for physical activity, county parks play an important role in promoting health and preventing chronic disease in all of our communities.

2. According to the U.S. Centers for Disease Control and Prevention, tobacco-related illness is the leading cause of preventable death in the United States, accounting for about four hundred forty-three thousand deaths each year.

3. According to a 2010 report from the Washington state Department of Health, in King County, one thousand seven hundred-eighty adults die annually from smoking-related causes and tobacco use costs King County three hundred forty-three million dollars every year in healthcare costs and lost wages.

4. In 2006, the United States Surgeon General concluded that there is no safe level of exposure to secondhand smoke. The toxic substances in secondhand smoke cause a range of diseases and a growing research base indicates outdoor exposure levels can be as high as indoor exposure levels.

5. Cigarettes and other tobacco products, once consumed in public places, are often discarded on the ground requiring additional maintenance expenses, diminishing the beauty of recreational facilities, causing potential risks for fire hazards, and posing a risk to toddlers and animals due to ingestion.

6. Prohibiting the use of tobacco products in high-use areas in King County parks and recreation facilities is part of a regional partnership effort which includes the King County Parks Directors' Network, which is made up of twenty-five cities, and other local jurisdictions such as the Vashon Island Park District and Black Diamond. The goal of the partnership is to create safe and clean places for people to live, work and play in King County. Currently, six park agencies in the county provide smoke-free and tobacco-free parks, including Auburn, Burien, Covington, Seattle, Snoqualmie and the Vashon Park District.

7. Consistent with King County strategic plan goals and the Public Health Operational Master Plan, a tobacco-free policy for parks protects the health of our communities by ensuring clean smoke-free air,

reducing exposure to secondhand smoke and eliminating tobacco product litter that is harmful to children, pets and wildlife if ingested.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 14509, Section 4, and K.C.C. 7.01.010 are each hereby amended to read as follows:

The definitions in this section apply throughout this title and K.C.C. chapter 4.57, unless the context clearly requires otherwise.

A. "Advertising" means promotional activity for the financial gain of those undertaking the activity or causing the activity to be undertaken, including, but not limited to, placing signs, posters, placards or any other display device in a publicly visible location within a parks and recreation facility. "Advertising" does not include posting of an announcement on a community bulletin board, consistent with any applicable rules for the use of community bulletin boards.

B. "Aircraft" means any machine or device designed to travel through the air including, but not limited to, airplanes, helicopters, ultra light type planes, gliders, remote-control planes and gliders, hot air balloons, kites and balloons.

C. "Alcoholic beverages" or "liquor" includes the four varieties of liquor defined as alcohol, spirits, wine and beer, all fermented, spirituous, vinous, or malt liquor, and all other intoxicating beverages, and every liquor, solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer; all drinks or drinkable liquids and all preparations or mixtures capable of human consumption. Any liquor, semisolid, solid or other substance that contains more than one percent alcohol by weight shall be conclusively deemed to be intoxicating.

D. "Associated marine area" means any water area within one hundred feet of any parks and recreation facility such as a dock, pier, float, buoy, log boom or other object that is part of a parks and recreation facility, only if the area does not include private property.

E. "Boat" means any contrivance up to sixty-five feet in length overall, used or capable of being used as a means of transportation on water.

F. "Camper" means a motorized vehicle containing either sleeping or housekeeping accommodations, or both, and shall include a pickup truck with camper, a van-type body, a converted bus, or any similar type vehicle.

G. "Camping" means erecting a tent or shelter or arranging bedding or both for the purpose of, or in such a way as will permit remaining overnight, or parking a trailer, camper or other vehicle for the purpose of remaining overnight.

H. "Campsite" means camping sites designated by the director.

I. "Change" a fee means to alter the amount of a fee.

J. "Concession" means the privilege or authority to sell goods or services within parks and recreation facilities or to operate parks and recreation facilities or a portion thereof.

K. "Concession contract" or "concession agreement" means the agreement granting a person a concession with respect to a parks and recreation facility.

L. "Department" means the department of natural resources and parks.

M. "Director" means the director of the department of natural resources and parks or the director's designee.

N. "Discrimination" means any action or failure to act, whether by single act or part of a practice, the effect of which is to adversely affect or differentiate between or among individuals or groups of individuals, because of race, color, religion, national origin, age, sex, marital status, parental status, sexual orientation, the presence of any sensory, mental or physical handicap or the use of an animal guide by a blind or deaf or otherwise physically or mentally challenged person.

O. "Division" means the parks and recreation division of the department of natural resources and parks.

P. "Eliminate" a fee means to remove a fee.

Q. "Establish" a fee means to impose a fee for an activity for which a fee was not being charged.

R. "Facility," "facilities," "parks and recreation facility," "parks and recreation facilities" or "park area" means any building, structure, park, open space, trail or other property owned or otherwise under the jurisdiction of the parks and recreation division of the department of natural resources and parks.

S. "Facility manager" means the person designated to manage a specific parks and recreation facility.

T. "High-use areas" means areas of parks and recreation facilities where people congregate. "High-use areas" include athletic fields, off-leash dog parks, parking lots, picnic shelters, playgrounds, sports courts, trailheads, and any other areas designated as high-use areas by the director.

U. "Manager" means the manager of the parks and recreation division of the department of natural resources and parks.

~~((U.))~~ V. "Motor vehicle" means any self-propelled device capable of being moved upon a road, and in, upon or by which any persons or property may be transported or drawn, and shall include, but not be limited to, automobiles, trucks, motorcycles, motor scooters, jeeps or similar type four-wheel drive vehicles and snowmobiles, whether or not they can be legally operated upon the public highways.

~~((V.))~~ W. "Naming rights" means rights to name a facility after a person for a term of years in exchange for consideration.

~~((W.))~~ X. "Parks and recreation purposes" means any lawful purpose of the division.

~~((X.))~~ Y. "Person" means all natural persons, groups, entities, firms, partnerships, corporations, governmental and quasi-governmental entities, clubs and all associations or combination of persons whether acting for themselves or as an agent, servant or employee.

~~((Y.))~~ Z. "Permit" means an authorization for the use of parks and recreation facilities that imposes conditions on the permittee in addition to those conditions imposed on the general public.

~~((Z.))~~ AA. "Rocket" means any device containing a combustible substance that when ignited, propels the device forward.

~~((AA-))~~ BB. "Set" a fee means to change or eliminate a fee, including determining, changing or eliminating a range for a fee. "Set" does not include selecting a fee in a previously set range for a fee.

~~((BB-))~~ CC. "Spirits" means any beverage that contains alcohol obtained by distillation, including wines exceeding twenty-four percent of alcohol by volume.

~~((CC-))~~ DD. "Sponsorship" means providing consideration to support specific parks and recreation facilities or activities, generally in exchange for advertising on county property, through county media, or otherwise, or other promotional consideration.

~~((DD-))~~ EE. "Tobacco product" means cigarettes, cigars, pipe tobacco and chewing tobacco.

FF. "Trail" means any path, track or right-of-way designed for use by pedestrians, bicycles, equestrians or other nonmotorized modes of transportation.

~~((EE-))~~ GG. "Trailer" means a towed vehicle that contains sleeping or housekeeping accommodations.

~~((FF-))~~ HH. "Trailer site" means a designated camping site that has either water or electrical facilities, or both, available for hookup.

~~((GG-))~~ II. "User fee" means a fee charged for the use of parks and recreation facilities, activities and programs, including, but not limited to, general facilities admission, classes and workshops, sponsored leagues and tournaments, gymnasium and field usage for games and practice, field lights and other equipment, concessions, parking, camping, special event admission, rooms for meetings, conference banquets and other indoor activities, kitchen and equipment. "User fee" does not include the cost of purchasing tangible personal property sold by the division. "User fee" also does not include charges made under:

1. ~~((a))~~An advertising, sponsorship or naming rights agreement in accordance with K.C.C. 7.08.080;
2. ~~((a))~~A concession contract in accordance with K.C.C. chapter 4.57;
3. ~~((a))~~A lease, rental or use agreement in accordance with K.C.C. 4.56.150; or
4. ~~((a))~~A special use permit in accordance with K.C.C. 7.12.050.

NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 7.12, Article III, a new section

to read as follows:

The use of tobacco products is prohibited in all high-use areas. Signs will be posted in the high-use areas indicating that use of tobacco products is prohibited. Signage locations will be determined by the director.

SECTION 3. By October 1, 2012, the parks and recreation division of the department of natural resources and parks is directed to develop and implement a pilot project to reduce the potential for forest fires at parks and recreation facilities from tobacco products, including posting signage warning of the dangers of improper cigarette disposal and the installation of receptacles for cigarette disposal at sites determined by the director.

SECTION 4. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

10 days prior to hearing

Newspaper: Seattle Times

Publish: Wednesday, June 27, 2012

Public hearing: July 9, 2012