



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

July 10, 2012

Ordinance 17375

Proposed No. 2012-0142.3

Sponsors McDermott

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

7 STATEMENT OF FACTS:

8 1. The King County parks and recreation division operates more than two
9 hundred parks, one hundred seventy-five miles of regional trails, and welcomes
10 five million visitors annually. The system's assets contribute to the health, well-
11 being and enjoyment of the regional population and rural, unincorporated
12 communities. In particular, by offering low-cost opportunities for physical
13 activity, county parks play an important role in promoting health and preventing
14 chronic disease in all of our communities.

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

18 3. According to a 2010 report from the Washington state Department of Health,
19 in King County, one thousand seven hundred-eighty adults die annually from

20 smoking-related causes and tobacco use costs King County three hundred forty-
21 three million dollars every year in healthcare costs and lost wages.

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

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

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

38 7. Consistent with King County strategic plan goals and the Public Health
39 Operational Master Plan, a tobacco-free policy for parks protects the health of our
40 communities by ensuring clean smoke-free air, reducing exposure to secondhand
41 smoke and eliminating tobacco product litter that is harmful to children, pets and
42 wildlife if ingested.

43 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

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

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

64 D. "Associated marine area" means any water area within one hundred feet of
65 any parks and recreation facility such as a dock, pier, float, buoy, log boom or other

66 object that is part of a parks and recreation facility, only if the area does not include
67 private property.

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

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

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

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

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

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

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

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

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

86 N. "Discrimination" means any action or failure to act, whether by single act or
87 part of a practice, the effect of which is to adversely affect or differentiate between or
88 among individuals or groups of individuals, because of race, color, religion, national

89 origin, age, sex, marital status, parental status, sexual orientation, the presence of any
90 sensory, mental or physical handicap or the use of an animal guide by a blind or deaf or
91 otherwise physically or mentally challenged person.

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

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

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

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

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

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

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

109 ~~((U.))~~ V. "Motor vehicle" means any self-propelled device capable of being
110 moved upon a road, and in, upon or by which any persons or property may be transported
111 or drawn, and shall include, but not be limited to, automobiles, trucks, motorcycles,

112 motor scooters, jeeps or similar type four-wheel drive vehicles and snowmobiles, whether
113 or not they can be legally operated upon the public highways.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

156 NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 7.12,
157 Article III, a new section to read as follows:

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

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

167 SECTION 4. Severability. If any provision of this ordinance or its application to

168 any person or circumstance is held invalid, the remainder of the ordinance or the
169 application of the provision to other persons or circumstances is not affected.

170


Ordinance 17375 was introduced on 4/23/2012 and passed by the Metropolitan King
County Council on 7/9/2012, by the following vote:

Yes: 6 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Patterson,
Ms. Lambert and Mr. Ferguson
No: 1 - Mr. Dunn
Excused: 2 - Ms. Hague and Mr. McDermott

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Larry Gossett, Chair

ATTEST:


Anne Noris, Clerk of the Council

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KING COUNTY COUNCIL

APPROVED this 18 day of JULY, 2012.


Dow Constantine, County Executive

Attachments: None