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Title: AN ORDINANCE relating to smoking prohibitions; and amending Ordinance 11950, Section 14, as amended, and K.C.C. 28.96.010 and prescribing penalties.

Sponsors: Joe McDermott, Rod Dembowski

Indexes: transit

Code sections: 28.96.010 - .

Attachments: 1. Ordinance 18255.pdf, 2. 2015-0449 legislative review form.pdf, 3. 2015-0449 transmittal letter.docx, 4. 2015-0449 E-cig Public Rule Notice.docx, 5. 2015-0449 fiscal note.xls, 6. 2015-0449 - Transit E-cig Notice of Public Hearing final.doc, 7. 2015-0449_ATT3_AmdtT1.docx, 8. 2015-0449_SR_E-Cigs_Buses.docx, 9. 2015-0449_ATT2_Amdt1.docx, 10. Hearing Notice - Publish Seattle Times: 3/2/16.doc, 11. 2015-0449_REVISIED_SR_E-Cigs_Buses.docx, 12. Affidavit of Pub - 3-2-16 Seattle Times.pdf

Date	Ver.	Action By	Action	Result
3/14/2016	2	Metropolitan King County Council	Hearing Held	
3/14/2016	2	Metropolitan King County Council	Passed	Pass
3/1/2016	1	Transportation, Economy, and Environment Committee	Recommended Do Pass Substitute Consent	Pass
1/25/2016	1	Metropolitan King County Council	Introduced and Referred	

Clerk 03/02/2016

AN ORDINANCE relating to smoking prohibitions; and amending Ordinance 11950, Section 14, as amended, and K.C.C. 28.96.010 and prescribing penalties.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. Consistent with the King County board of health findings from 2010, as described in R&R BOH10-04.2, the King County council finds that the emergence of unregulated electronic smoking devices used on or in relation to all transit properties presents a threat to the public health.

B. Electronic smoking devices, commonly referred to as electronic cigarettes or e-cigarettes, are battery

operated devices that resemble cigarettes, although they do not contain tobacco. People who use electronic smoking devices inhale vaporized liquid nicotine or other liquids created by heat through an electronic ignition system and exhale the vapor in a way that mimics smoking.

C. The United States Food and Drug Administration has conducted laboratory tests on numerous brands of electronic smoking devices and found that they contained toxic chemicals and carcinogens in addition to nicotine. Although some electronic smoking devices claim not to contain nicotine, there is no regulatory program to monitor this assertion. The United States Department of Health and Human Services has concluded that nicotine is as addictive as cocaine or heroin and is a highly toxic substance.

D. Electronic smoking devices and other unapproved nicotine delivery products have a high appeal to youth due to their high-tech design and availability in child-friendly flavors like chocolate and strawberry. They also present a substantial risk of nicotine addiction and resultant harm to the public health and safety. In addition, the use of electronic smoking devices in public places and places of employment returns smoking to the public consciousness and complicates enforcement of state and county laws that govern the use of tobacco products in public places, including on or in relation to all transit properties.

E. The board of health revised its rules and regulations to prohibit use of electronic smoking devices in public places and places of employment. Amendment of K.C.C. 28.96.010 is necessary to provide for consistent King County policy and enforcement across all departments.

SECTION 2. Ordinance 11950, Section 14, as amended, and K.C.C. 28.96.010 are each hereby amended to read as follows:

A. The following actions are prohibited in, on or in relation to, all transit properties. For conduct not amounting to a violation of another applicable state or local law bearing a greater penalty or criminal sanction than is provided under this section, a person who commits one of the following acts in, on or in relation to transit property is guilty of a civil infraction to which chapter 7.80 RCW applies((-));

1. Allowing any animal to occupy a seat on transit property, to run at large without a leash, to

unreasonably disturb others or to obstruct the flow of passenger or bus traffic; but animals may occupy a passenger's lap while in a transit vehicle or facility;

2. Allowing his or her animal to leave waste on transit property;

3. Rollerskating, rollerblading or skateboarding;

4. Riding a bicycle, motorcycle or other vehicle except for the purpose of entering or leaving passenger facilities on roadways designed for that use. In tunnel facilities, bicycles must be walked at all times and may not be transported on escalators. However, nothing in this section shall be construed to apply to commissioned peace officers or county employees engaged in authorized activities in the course of their employment;

5. Eating or drinking. However, eating and drinking nonalcoholic beverages are permitted on the mezzanine and exterior plaza levels of tunnel stations and the exterior areas of other passenger facilities. Also, drinking a nonalcoholic beverage from a container designed to prevent spillage is permitted on transit property;

6. Bringing onto a transit passenger vehicle any package or other object that blocks an aisle or stairway or occupies a seat if to do so would, in the operator's sole discretion, cause a danger to passengers or displace passengers or expected passengers;

7. Operating, stopping, standing or parking a vehicle in any roadway or location restricted for use only by transit vehicles or otherwise restricted;

8. Engaging in public communication activities or commercial activities except as authorized under K.C.C. 28.96.020 through 28.96.210;

9. Riding transit vehicles or using benches, floors or other areas in tunnel and other passenger facilities for the purpose of sleeping rather than for their intended transportation-related purposes;

10. Camping in or on transit property; storing personal property on benches, floors or other areas of transit property;

11. Entering or crossing the transit tunnel roadway or transit vehicle roadways in and about other

passenger facilities, except in marked crosswalks or at the direction of county or public safety personnel;

12. Extending an object or a portion of one's body through the door or window of a transit vehicle while it is in motion;

13. Hanging or swinging on bars or stanchions~~((;))~~ with feet off the floor~~((;))~~ inside a transit vehicle or other transit property; hanging onto or otherwise attaching oneself at any time to the exterior of a transit vehicle or other transit property;

14. Engaging in any sport or recreational activities on transit property;

15. Parking a vehicle in an approved parking area on transit property for more than seventy-two consecutive hours;

16. Using a transit facility for residential or commercial parking or encouraging others to make such a use, except the commercial parking that is authorized under K.C.C. 28.96.220;

17. Performing any nonemergency repairs or cleaning of a vehicle parked on transit property; and

18. Conducting driver training on transit property.

B. The following actions are prohibited in, on or in relation to all transit properties. For conduct not amounting to a violation of another applicable state or local criminal law bearing a greater penalty than is provided under this chapter, a person who commits one of the following acts in, on or in relation to transit property is guilty of a misdemeanor~~((;))~~:

1. a. Smoking or carrying a lighted or smoldering pipe, cigar, ~~((€))~~ cigarette or using an electronic smoking device, while on or in a transit vehicle or ~~((in the platform or mezzanine areas of the tunnel))~~ while in or at a bus shelter or transit property or properties.

b. For the purposes of this subsection B.1.:

(1) "electronic smoking device" means an electronic or battery-operated device that can be used to deliver nicotine or other substances to the person inhaling from the device. "Electronic smoking device" includes, but is not limited to, an electronic cigarette, an electronic cigar, an electronic cigarillo,

an electronic pipe or an electronic hookah; and

(2) "bus shelter or transit property or properties" means a passenger facility, structure, stop, shelter, bus zone, property or right-of-way of any kind that is owned, leased, held or used by the department for the purpose of providing public transportation services;

2. Discarding litter other than in designated receptacles;

3. Playing a radio, tape recorder, audible game device or any other sound-producing equipment, except when the equipment is connected to earphones that limit the sound to the individual listener. However, the use of communication devices by county employees, county contractors or public safety officers in the line of duty is permitted, as is the use of private communication devices used to summon, notify or communicate with other individuals, such as pagers or portable telephones;

4. Spitting, expectorating, urinating or defecating except in restroom facilities;

5. Carrying flammable liquids, flammable or nonflammable explosives, acid or any other article or material of a type or in a manner that is likely to cause harm to others. However, cigarette, cigar or pipe lighters, firearms, weapons and ammunition may be carried if in a form or manner that is not otherwise prohibited by law or ordinance;

6. Intentionally obstructing or impeding the flow of transit vehicle or passenger movement, hindering or preventing access to transit property, causing unreasonable delays in boarding or deboarding, reclining or occupying more than one seat, or in any way interfering with the provision or use of transit services;

7. Unreasonably disturbing others by engaging in loud, raucous, unruly, harmful, abusive or harassing behavior;

8. Defacing, destroying or otherwise vandalizing transit property or any signs, notices or advertisements on transit property;

9. Drinking an alcoholic beverage or possessing an open container of an alcoholic beverage. However, possessing and drinking an alcoholic beverage is not prohibited in the tunnel facilities if authorized as part of a

scheduled special event for which all required permits have been obtained and when ~~((said))~~ the facilities are not in use for transit purposes;

10. Entering nonpublic areas, including but not limited to tunnel staging areas and equipment rooms, except when authorized by the director or when instructed to do so by county or public safety personnel;

11. Dumping any materials whatsoever on transit property, including but not limited to chemicals and automotive fluids;

12. Throwing an object at transit property or at any person in transit property;

13. Failing to present a valid~~((s))~~ unexpired pass, transfer or ticket or otherwise failing to pay the appropriate fare as required under county ordinance;

14. Possessing an unissued transfer or tendering an unissued transfer as proof of fare payment;

15. Falsely representing oneself as eligible for a special or reduced fare or obtaining any permit or pass related to the transit system by making a false representation;

16. Falsely claiming to be a transit operator or other transit employee; or through words, actions ~~((and/or))~~ or the use of clothes, insignia or equipment resembling department-issued uniforms and equipment, creating a false impression that ~~((he or she))~~ the person is a transit operator or other transit employee;

17. Bringing onto transit property odors which unreasonably disturb others or interfere with their use of the transit system, whether ~~((such))~~ the odors arise from one's person, clothes, articles, accompanying animal or any other source;

18. Engaging in gambling or any game of chance for the winning of money or anything of value; and

19. Discharging a laser-emitting device on a transit vehicle, directing such a device from a transit vehicle toward any other moving vehicle or directing such a device toward any transit operator or passenger.