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ORDINANCE NO. 867

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING SECTION 8.12.395 OF THE SHORELINE MUNICIPAL CODE TO INCLUDE E-CIGARETTES (VAPING) AS PROHIBITED ACTIVITIES.

WHEREAS, e-cigarettes are battery-operated inhalers containing nicotine, where the battery heats liquid in a cartridge, turning into vapor that can be inhaled, and the process of inhaling e-cigarette liquid is often called vaping; and

WHEREAS, in 2011, the City Council adopted a Healthy City Strategy Work Plan that included a goal of making all of Shoreline's parks and public sites a tobacco-free zone; and

WHEREAS, in 2012, the City Council adopted Ordinance No. 630, prohibiting tobacco use in any Shoreline park area so as not to send the message that using tobacco products is consistent with a healthy environment and a healthy lifestyle given the fact that Shoreline's parks are intended for the healthy enjoyment of all citizens, including children; and

WHEREAS, in 2016, the Washington State Legislature adopted comprehensive legislation relating to youth vapor product substance use prevention and vapor product regulation, creating RCW Chapter 70.345 Vapor Products and amending other chapters of RCW Title 70 Public Health and Safety, including Chapter 70.155 Tobacco – Access to Minors and Chapter 70.160 Smoking in Public Places; and

WHEREAS, since the adoption of Ordinance No. 630, the popularity of electronic cigarettes (e-cigarettes) has grown, especially in middle school and high school-aged individuals, to epidemic levels; and

WHEREAS, the Center for Disease Control and Prevention (CDC) and the Surgeon General have issued advisories on e-cigarette use among youth because the presence of nicotine in e-cigarettes can harm brain development in children, teens, and young adults impacting learning, memory, and attention along with increasing the risk for future addiction to other drugs and injury from combustive battery failures; and

WHEREAS, the Surgeon General has also stated that e-cigarettes can potentially expose bystanders to harmful substances, including heavy metals, volatile organic compounds, and ultrafine particles that can be inhaled in the lungs; and

WHEREAS, RCW 70.345.210 grants the City authority to regulate the use of vapor products in outdoor public places where children congregate, such as playgrounds and parks; and may regulate the use of vapor products in indoor public places subject to RCW 70.345.150; and

WHEREAS, an amendment is needed to include e-cigarettes within SMC 8.12.395's prohibition, continuing the message of Ordinance No. 630 that the use of e-cigarettes is not consistent with a healthy lifestyle;

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NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment to SMC 8.12.395. Section 8.12.395 is amended to read as follows:

SMC 8.12.395 ~~Tobacco use in parks~~ Smoking Prohibited.

~~No person shall use tobacco in any park area. "Tobacco use" is defined as the smoking or lighting of cigarettes, cigars, or pipe tobacco, or the use of smokeless tobacco.~~ Smoking and tobacco use of any kind, including but not limited to, the use of cigarettes, cigars, pipe tobacco, smokeless tobacco, and electronic or vaporized smoking devices, is prohibited in any City park area, trail, athletic field, or recreation facilities.

Section 2. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 3. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

Section 4. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON OCTOBER 7, 2019

Mayor Will Hall

ATTEST:

Jessica Simulcik Smith
City Clerk

APPROVED AS TO FORM:

Margaret King
City Attorney

Date of Publication: October 10, 2019
Effective Date: October 15, 2019