



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

March 15, 2016

Ordinance 18255

Proposed No. 2015-0449.2

Sponsors McDermott and Dembowski

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

4 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

5 **SECTION 1. Findings:**

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

10 B. Electronic smoking devices, commonly referred to as electronic cigarettes or
11 e-cigarettes, are battery operated devices that resemble cigarettes, although they do not
12 contain tobacco. People who use electronic smoking devices inhale vaporized liquid
13 nicotine or other liquids created by heat through an electronic ignition system and exhale
14 the vapor in a way that mimics smoking.

15 C. The United States Food and Drug Administration has conducted laboratory
16 tests on numerous brands of electronic smoking devices and found that they contained
17 toxic chemicals and carcinogens in addition to nicotine. Although some electronic
18 smoking devices claim not to contain nicotine, there is no regulatory program to monitor
19 this assertion. The United States Department of Health and Human Services has

20 concluded that nicotine is as addictive as cocaine or heroin and is a highly toxic
21 substance.

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

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

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

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

- 41 1. Allowing any animal to occupy a seat on transit property, to run at large
42 without a leash, to unreasonably disturb others or to obstruct the flow of passenger or bus
43 traffic; but animals may occupy a passenger's lap while in a transit vehicle or facility;
- 44 2. Allowing his or her animal to leave waste on transit property;
- 45 3. Rollerskating, rollerblading or skateboarding;
- 46 4. Riding a bicycle, motorcycle or other vehicle except for the purpose of
47 entering or leaving passenger facilities on roadways designed for that use. In tunnel
48 facilities, bicycles must be walked at all times and may not be transported on escalators.
49 However, nothing in this section shall be construed to apply to commissioned peace
50 officers or county employees engaged in authorized activities in the course of their
51 employment;
- 52 5. Eating or drinking. However, eating and drinking nonalcoholic beverages are
53 permitted on the mezzanine and exterior plaza levels of tunnel stations and the exterior
54 areas of other passenger facilities. Also, drinking a nonalcoholic beverage from a
55 container designed to prevent spillage is permitted on transit property;
- 56 6. Bringing onto a transit passenger vehicle any package or other object that
57 blocks an aisle or stairway or occupies a seat if to do so would, in the operator's sole
58 discretion, cause a danger to passengers or displace passengers or expected passengers;
- 59 7. Operating, stopping, standing or parking a vehicle in any roadway or location
60 restricted for use only by transit vehicles or otherwise restricted;
- 61 8. Engaging in public communication activities or commercial activities except
62 as authorized under K.C.C. 28.96.020 through 28.96.210;

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

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

68 11. Entering or crossing the transit tunnel roadway or transit vehicle roadways
69 in and about other passenger facilities, except in marked crosswalks or at the direction of
70 county or public safety personnel;

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

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

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

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

79 16. Using a transit facility for residential or commercial parking or encouraging
80 others to make such a use, except the commercial parking that is authorized under K.C.C.
81 28.96.220;

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

84 18. Conducting driver training on transit property.

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

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

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

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

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

104 2. Discarding litter other than in designated receptacles;

105 3. Playing a radio, tape recorder, audible game device or any other sound-
106 producing equipment, except when the equipment is connected to earphones that limit the
107 sound to the individual listener. However, the use of communication devices by county

108 employees, county contractors or public safety officers in the line of duty is permitted, as
109 is the use of private communication devices used to summon, notify or communicate with
110 other individuals, such as pagers or portable telephones;

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

112 5. Carrying flammable liquids, flammable or nonflammable explosives, acid or
113 any other article or material of a type or in a manner that is likely to cause harm to others.

114 However, cigarette, cigar or pipe lighters, firearms, weapons and ammunition may be
115 carried if in a form or manner that is not otherwise prohibited by law or ordinance;

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

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

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

124 9. Drinking an alcoholic beverage or possessing an open container of an
125 alcoholic beverage. However, possessing and drinking an alcoholic beverage is not
126 prohibited in the tunnel facilities if authorized as part of a scheduled special event for
127 which all required permits have been obtained and when ((said)) the facilities are not in
128 use for transit purposes;

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

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

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

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

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

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

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

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

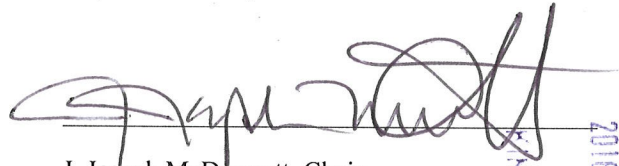
149 18. Engaging in gambling or any game of chance for the winning of money or
150 anything of value; and

151 19. Discharging a laser-emitting device on a transit vehicle, directing such a
152 device from a transit vehicle toward any other moving vehicle or directing such a device
153 toward any transit operator or passenger.
154

Ordinance 18255 was introduced on 1/25/2016 and passed by the Metropolitan King
County Council on 3/14/2016, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles
and Ms. Balducci
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



J. Joseph McDermott, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 17th day of March, 2016



Dew Constantine, County Executive

Attachments: None

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KING COUNTY COUNCIL CLERK