

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

|                      |   |                                     |                                 |
|----------------------|---|-------------------------------------|---------------------------------|
| <b>AGENDA TITLE:</b> | Adopting Ordinance No. 867 – Amending Section 8.12.395 of the Shoreline Municipal Code to Include the Use of E-cigarettes (Vaping) as Prohibited Activities |                                     |                                 |
| <b>PRESENTED BY:</b> | Eric Friedli, PRCS Department Director  |                                     |                                 |
| <b>ACTION:</b>       | <input checked="" type="checkbox"/> Ordinance   | <input type="checkbox"/> Resolution | <input type="checkbox"/> Motion |
|                      | <input type="checkbox"/> Public Hearing   | <input type="checkbox"/> Discussion |                                 |

**PROBLEM/ISSUE STATEMENT:**

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. In 2012, the City Council adopted Ordinance No. 630 which prohibited 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. Shoreline Municipal Code (SMC) Section 8.12.395 implements Ordinance No. 630.

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

On September 23, 2019, Council discussed proposed Ordinance No. 867 (Attachment A), which would amend SMC Section 8.12.395. This amendment would include e-cigarettes and vaping devices within SMC 8.12.395's prohibition of tobacco use in Shoreline parks and recreation facilities. Tonight, Council is scheduled to adopt proposed Ordinance No. 867.

**FINANCIAL IMPACT:**

There will be negligible financial impact for replacement of signs associated with this Ordinance.

**RECOMMENDATION**

Staff recommends that Council adopt proposed Ordinance No. 867.

Approved By:            City Manager **DT**            City Attorney **MK**

## **BACKGROUND**

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. In March 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. Shoreline Municipal Code (SMC) Section 8.12.395 implements Ordinance No. 630. The staff report for adoption of Ordinance No. 630 is available at the following link: [Adoption of Ordinance No. 630 – Tobacco Free Park Regulations.](#)

Since the adoption of Ordinance No. 630 in 2012, the popularity of electronic cigarettes (e-cigarettes, vaping) has grown, especially in middle school and high school-aged youth, to epidemic levels. Staff have also noticed an increase in e-cigarette and vaping usage in parks and in recreation facilities in recent years.

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. Other concerns with e-cigarettes include the increased risk for future addiction to other drugs and injury from combustive battery failures. 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.

## **DISCUSSION**

On September 23, 2019 Council discussed proposed Ordinance No. 867 (Attachment A), which would amend SMC Section 8.12.395 to include the prohibition of e-cigarette and vaping device use in the City's park system. Council was generally supportive of proposed Ordinance No. 867 and directed staff to bring back the proposed ordinance for adoption on tonight's consent calendar.

As was discussed on September 23<sup>rd</sup>, staff are not aware of enforcement issues or concerns with the current prohibition of tobacco use in the park system. Parks staff and administrators will continue to rely on education and 'peer to peer' enforcement as the predominant enforcement mechanism, as has been done effectively with the enforcement of the current prohibition. Park signs will also be modified where appropriate to make park visitors aware that vaping and e-cigarette use is prohibited.

## **FINANCIAL IMPACT**

There will be negligible financial impact for replacement of signs associated with this Ordinance.

## **RECOMMENDATION**

Staff recommends that Council adopt proposed Ordinance No. 867.

## **ATTACHMENTS**

Attachment A: Proposed Ordinance No. 867

**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;

**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:

APPROVED AS TO FORM:

\_\_\_\_\_  
Jessica Simulcik Smith  
City Clerk

\_\_\_\_\_  
Margaret King  
City Attorney

Date of Publication: \_\_\_\_\_, 2019  
Effective Date: \_\_\_\_\_, 2019