

ORDINANCE 2015-9

AN ORDINANCE OF THE TOWN OF EATONVILLE, WASHINGTON, AMENDING CHAPTER 12.20 "PARKS" OF THE EATONVILLE MUNICIPAL CODE BY PROHIBITING THE USE OF ELECTRONIC CIGARETTES IN PARKS

WHEREAS, the use of electronic cigarettes, also known as e-cigarettes or vaping devices has increased, and according to the Centers for Disease Control and Prevention, youth e-cigarette use tripled between 2013 and 2014; and

WHEREAS, e-cigarettes are now being used as a drug delivery device to vaporize concentrated liquid marijuana, as well as illegal drugs such as methamphetamine; and

WHEREAS, scientific research concludes that electronic cigarettes emit harmful chemicals into the air and need to be regulated in the same manner as tobacco smoking and there is evidence that nitrosamines, a group of carcinogens found specifically in tobacco, are carried over into the e-cigarette fluid from the nicotine extraction process; and

WHEREAS, there is also evidence that glycol carriers can be oxidized by the heating elements used in e-cigarettes to vaporize the liquids, creating aldehydes such as formaldehyde; and

WHEREAS, the visible aerosol from vaping delivery devices consists of condensed submicron liquid droplets, which contain many chemicals including some that are carcinogenic, such as formaldehyde, metals (cadmium, lead, nickel), and nitrosamines which are harmful; and

WHEREAS, Eatonville Municipal Code 12.20.140 prohibits the use of tobacco or any smoking products in any Town park; and

WHEREAS, the use of e-cigarettes mimics the use of combustible cigarettes and presents health risks resembling some of those of smoking combustible cigarettes and may lead to nicotine addiction; and

WHEREAS, the Eatonville Public Safety Committee has requested a code amendment be brought forward prohibiting the use of electronic cigarettes in parks; and

WHEREAS, the Town desires to amend the Code in order to better meet the needs of the public utilizing Town parks; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF EATONVILLE AS FOLLOWS:

Section 1. Eatonville Municipal Code Section 12.20.010 is amended to read as follows:

12.20.010 Definitions.

The terms used in this chapter, unless clearly contrary to or inconsistent with the context in which used, shall be construed as follows:

“Electronic cigarettes” means any device that employs a battery or other mechanism to heat a solution or substance, including but not limited to concentrated nicotine, to produce a vapor or aerosol intended for inhalation.

“Off-leash area” means an area where licensed dogs excluding dangerous dogs as listed in EMC 6.30.240 may be allowed to be accompanied by their owner in town parks without being tethered to a leash.

“On-leash area” means an area of town parks where all pets must be kept on a leash no longer than eight feet in length at all times.

“Park” means and includes all parks, squares, drives, parkways, boulevards, rivers, playgrounds, trails, and recreation areas of the town. The term also includes any area, indoor or outdoor, within a park.

“Person” shall have the same meaning as RCW 1.16.080.

Whenever consistent with the context of this chapter, words in the present, past or future tenses shall be construed to be interchangeable with each other; and words in the singular number shall be construed to include the plural.

Section 2. Eatonville Municipal Code Section 12.20.140 is amended to read as follows:

12.20.140 Smoking and use of electronic cigarettes prohibited.

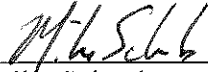
The use of electronic cigarettes, tobacco or any smoking products in any Town park is prohibited. Violators shall be deemed to have committed a Class 3 civil infraction and subject to a maximum monetary penalty of \$50.00. The chief of police is authorized to erect “no smoking or use of electronic cigarettes \$50.00 fine” signs at prominent locations in each Town park. The mayor may designate temporary smoking areas in Town parks for special events.

Section 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.


1ST READING: 10/26/2015
2ND READING: 11/09/2015

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk in authentication of such passage this 9th day of November, 2015.



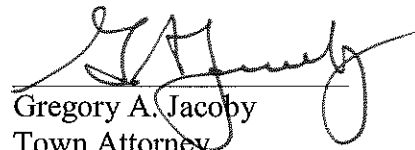
Mike Schaub
Mayor

ATTEST:



Kathy Linnemeyer
Town Clerk

APPROVED AS TO FORM:



Gregory A. Jacoby
Town Attorney