

ORDINANCE No.

111699

COUNCIL BILL No.

103492

AN ORDINANCE prohibiting smoking in certain areas open to the public; requiring posting of "no smoking" signs; establishing penalties for violation; and adding a new Chapter 10.64 to the Seattle Municipal Code.

Law Department

WP

2/16/83 Held TO MARCH 2, 1983

3/12/83 PASS

291434

Held 3/14/83 Must be back in Council

4/20/83 PASS AS AMENDED

COMPTROLLER FILE No.

Introduced:	JAN 24 1983	By:	Richards
Referred:	JAN 24 1983	To:	PS & HL
Referred:	MAR 14 1983	To:	PUBLIC SAFETY & HEALTH
Referred:		To:	
Reported:	APR 25 1983	Second Reading:	APR 25 1983
Third Reading:	APR 25 1983	Signed:	APR 25 1983
Presented to Mayor:	APR 26 1983	Approved:	MAY 3 1983
Returned to City Clerk:	MAY 3 1983	Published:	
Vetoed by Mayor:		Veto Published:	
Passed over Veto:		Veto Sustained:	

REC'D OMB APR 26 1983

OK

Amendment

Must be back in council by april 25  
PASS AS AMENDED

ORD. 111099 -Amendments & Re to .....

- Ord. 111462 -Amends ... (SMC 10.64.060) to clarify penalties for failure to post "no smoking" signs in restaurants.
- Ord. 111715 -Amends ... (SMC 10.64) to clarify areas in which smoking is permitted, & those in which it is prohibited; & amends SMC 10.64.060 to correct a typographical error.



SRS:fmg(lf)  
1/13/83

ORDINANCE **111099**

AN ORDINANCE prohibiting smoking in certain areas open to the public; requiring posting of "no smoking" signs; establishing penalties for violation; and adding a new Chapter 10.64 to the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. There is added to the Seattle Municipal Code a new Chapter 10.64 as follows.

Section 10.64.010 Definitions

A. "Public place" as used in this chapter shall mean any building or vehicle used by, and open to, the public regardless of whether such building or vehicle is owned in whole or in part by private persons or entities, or by The City of Seattle or other public entity, and regardless of whether a fee is charged for admission to the place.

B. "Smoke" or "smoking" as used in this chapter means the carrying or smoking of any kind of lighted pipe, cigar, cigarette or any other form of ignited tobacco or lighted smoking or material equipment.

Section 10.64.020 Prohibition

Smoking is prohibited in the following public places:

A. Elevators.

B. Mass transportation vehicles, such as buses; except on chartered buses for private hire or in taxicabs clearly designated by the operator to permit smoking.

C. Indoor facilities serving as museums, concert halls, theaters, auditoriums and exhibition halls; provided that smoking by performers as part of a theatrical production is

1 permitted; and provided further that smoking may be permitted in des-  
2 ignated areas of lobbies if the lobbies are physically separated from  
3 the spectator area.

4 D. Indoor sports arenas, provided that smoking may be permitted  
5 in designated areas of lobbies, if the lobbies are physically  
6 separated from the spectator area.

7 E. Hallways and waiting rooms of every health care facility in-  
8 cluding, but not limited to, hospitals, nursing homes, clinics and  
9 health departments, provided that smoking may be allowed in one or  
10 more designated, physically separate waiting rooms.

11 F. All areas open to the public in buildings owned or occupied by  
12 the City of Seattle; provided, that smoking may be permitted in  
13 designated smoking areas of the Seattle Center's "Center House." The  
14 designated smoking areas may not exceed 30% of the common area of the  
Center House.

15 G. Public places which are part of shopping centers, retail  
16 stores and financial institutions, including, but not limited to  
17 department stores, banks, laundromats and barbershops; provided, that  
18 smoking may be allowed in the common areas of shopping malls.

19 H. Classrooms and lecture halls of schools, colleges and univer-  
sities.

20 I. Rooms in which meetings and/or hearings open to the public  
21 are held.

22 J. All public areas and waiting rooms of public transportation  
23 facilities including but not limited to, bus, train, airport and ferry  
24 facilities; provided that smoking may be permitted in designated smok-  
25 ing areas that may not exceed 30% of the waiting area.

26 K. All public restrooms including, but not limited to those  
27 found in all public places listed above.

28 L. Libraries.

1  
2       Section 10.64.030 No Smoking areas in restaurants

3       Restaurants with food service capacity of 75 persons and over  
4       shall provide and post notice to customers of the availability of  
5       food service seating where tobacco smoking will not be permitted.

6       Section 10.64.040 Designation of "Smoking" and "No Smoking" Areas.

7       A.   The rightful occupant of each public place in which smoking  
8       is prohibited shall post signs prohibiting smoking. Signs shall be  
9       posted conspicuously at every entrance and in prominent locations  
10       throughout the buildings, rooms, and public places in which smoking is  
11       prohibited; provided, that signs shall not be posted in violation of  
12       other laws or ordinances.

13       B.   It is unlawful for any person to remove, deface, or destroy  
14       any sign posted in compliance with this ordinance.

15       Section 10.64.050. Enforcement

16       The Seattle Fire Department is authorized to enforce Section  
17       10.64.040; the Seattle-King County Health Department is authorized  
18       to enforce Section 10.64.030.

19       Section 10.64.060. Penalty

20       An offense against Section 10.64.040 is a violation, subject to  
21       the provisions of Chapter 12A.02 (General Provisions) and Chapter  
22       12A.04 (Defenses) of the Seattle Criminal Code. Any person convicted  
23       of violating Section 10.64.040 may be punished by a civil fine or for-  
24       feiture not to exceed One Hundred Dollars (\$100.00).

25       Section 2. The provisions of this ordinance are declared to be  
26       separate and severable. The invalidity of any clause, sentence,  
27       paragraph, subdivision, section or portion of this  
28

(To be used for all Ordinances except Emergency.)

ordinance, and/or the invalidity of the application thereof shall not affect the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 3. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 25<sup>th</sup> day of April, 1983,  
and signed by me in open session in authentication of its passage this 25<sup>th</sup> day of  
April, 1983

Janette Williams  
President of the City Council.

Approved by me this 3<sup>rd</sup> day of May, 1983

Charles Rogers  
Mayor.

Filed by me this 3<sup>rd</sup> day of May, 1983

Jim Hill

Attest: \_\_\_\_\_  
City Comptroller and City Clerk.

(SEAL)

Published \_\_\_\_\_

By Theresa J. Ambrose  
Deputy Clerk.

1 permitted; and provided further that smoking may be permitted  
2 in designated areas of lobbies if the lobbies are physically  
3 separated from the spectator area.

4 D. Indoor sports arenas, provided that smoking may be  
5 permitted in designated areas of lobbies, if the lobbies are  
6 physically separated from the spectator area.

7 E. Hallways and waiting rooms of every health care  
8 facility including, but not limited to, hospitals, nursing  
9 homes, clinics and health departments, provided that smoking  
10 may be allowed in one or more designated, physically separate  
11 waiting rooms.

12 F. All areas open to the public in buildings owned or  
13 occupied by The City of Seattle.

14 G. Public places which are a part of shopping centers,  
15 retail stores and financial institutions, including, but not  
16 limited to department stores, banks, laundromats and  
17 barbershops.

18 H. Classrooms and lecture halls of schools, colleges and  
19 universities.

20 I. Rooms in which meetings and/or hearings open to the  
21 public are held.

22 J. All public areas and waiting rooms of public transpor-  
23 tation facilities including but not limited to, bus, train,  
24 airport and ferry facilities; provided that smoking may be  
25 permitted in designated smoking areas that may not exceed 30%  
26 of the waiting area

27 K. All public restrooms including, but not limited to  
28 those found in all public places listed above.

L. Libraries.



1           Section 10.64.030. Notwithstanding any of its other pro-  
2 visions, this ordinance shall not prohibit smoking in  
3 restaurants.

4           Section 10.64.040 Designation of "Smoking" and  
5                                   "No Smoking" Areas.

6           A. The rightful occupant of each public place in which  
7 smoking is prohibited shall post signs prohibiting smoking.  
8 Signs shall be posted conspicuously at every entrance and in  
9 prominent locations throughout the buildings, rooms, and  
10 public places in which smoking is prohibited; provided, that  
11 signs shall not be posted in violation of other laws or ordi-  
nances.

12           B. Signs shall contain a reference that regulation is  
13 pursuant to City ordinance; and shall be of at least 8½" high  
14 x 11" wide overall; and have lettering 1½" high.

15           C. It is unlawful for any person to remove, deface, or  
16 destroy any sign posted in compliance with this ordinance.

17           Section 10.64.050 Enforcement

18           The Seattle Fire Department is authorized to enforce  
19 Section 10.64.040.

20           Section 10.64.060 Penalty

21           An offense against Section 10.64.040 is a violation, sub-  
22 ject to the provisions of Chapter 12A.02 (General Provisions)  
23 and Chapter 12A.04 (Defenses) of the Seattle Criminal Code.  
24 Any person convicted of violating Section 10.64.040 may be  
punished by a civil fine or forfeiture not to exceed One  
Hundred Dollars (\$100.00).

25           Section 2. The provisions of this ordinance are declared  
26 to be separate and severable. The invalidity of any clause,  
27 sentence, paragraph, subdivision, section or portion of this  
28

1 permitted; and provided further that smoking may be permitted in des-  
2 ignated areas of lobbies if the lobbies are physically separated from  
3 the spectator area.

4 D. Indoor sports arenas, provided that smoking may be permitted  
5 in designated areas of lobbies, if the lobbies are physically  
6 separated from the spectator area.

7 E. Hallways and waiting rooms of every health care facility in-  
8 cluding, but not limited to, hospitals, nursing homes, clinics and  
9 health departments, provided that smoking may be allowed in one or  
10 more designated, physically separate waiting rooms.

11 F. All areas open to the public in buildings owned or occupied  
12 by The City of Seattle; provided that smoking may be permitted in des-  
13 ignated smoking areas of the Seattle Center's "Center House." The  
14 designated smoking areas may not exceed 30% of the common area of the  
Center House.

15 G. Public places which are a part of shopping centers, retail  
16 stores and financial institutions, including, but not limited to  
17 department stores, banks, laundromats and barbershops.

18 H. Classrooms and lecture halls of schools, colleges and univer-  
sities.

19 I. Rooms in which meetings and/or hearings open to the public  
20 are held.

21 J. All public areas and waiting rooms of public transprotation  
22 facilities including but not limited to, bus, train, airport and ferry  
23 facilities; provided that smoking may be permitted in designated smok-  
24 ing areas that may not exceed 30% of the waiting area.

25 K. All public restrooms including, but not limited to those  
26 found in all public places listed above.

27 L. Libraries.  
28

1           Section 10.64.030 No Smoking areas in restaurants

2           Restaurants with food service capacity of 75 persons and over  
3           shall provide and post notice to customers of the availability of  
4           food service seating where tobacco smoking will not be permitted.

5           A.   The rightful occupant of each public place in which smoking  
6           is prohibited shall post signs prohibiting smoking. Signs shall be  
7           posted conspicuously at every entrance and in prominent locations  
8           throughout the buildings, rooms, and public places in which smoking is  
9           prohibited; provided, that signs shall not be posted in violation of  
10          other laws or ordinances.

11          B.   It is unlawful for any person to remove, deface, or destroy  
12          any sign posted in compliance with this ordinance.

13          Section 10.64.050. Enforcement

14          The Seattle Fire Department is authorized to enforce Section  
15          10.64.040; the Seattle-King County Health Department is authorized  
16          to enforce Section 10.64.030.

17          Section 10.64.060. Penalty

18          An offense against Section 10.64.040 is a violation, subject to  
19          the provisions of Chapter 12A.02 (General Provisions) and Chapter  
20          12A.04 (Defenses) of the Seattle Criminal Code. Any person convicted  
21          of violating Section 10.64.040 may be punished by a civil fine or for-  
22          feiture not to exceed One Hundred Dollars (\$100.00).

23          Section 2. The provisions of this ordinance are declared to be  
24          separate and severable. The invalidity of any clause, sentence,  
25          paragraph, subdivision, section or portion of this  
26  
27  
28

1           Section 10.64.030. Notwithstanding any of its other provisions,  
2 this ordinance shall not prohibit smoking in restaurants.

3           Section 10.64.040 Designation of "Smoking" and "No Smoking" Areas.

4           A. The rightful occupant of each public place in which smoking  
5 is prohibited shall post signs prohibiting smoking. Signs shall be  
6 posted conspicuously at every entrance and in prominent locations  
7 throughout the buildings, rooms, and public places in which smoking is  
8 prohibited; provided, that signs shall not be posted in violation of  
9 other laws or ordinances.

10           B. It is unlawful for any person to remove, deface, or destroy  
11 any sign posted in compliance with this ordinance.

12           Section 10.64.050. Enforcement

13           The Seattle Fire Department is authorized to enforce Section  
14 10.64.040.

15           Section 10.64.060. Penalty

16           An offense against Section 10.64.040 is a violation, subject to  
17 the provisions of Chapter 12A.02 (General Provisions) and Chapter  
18 12A.04 (Defenses) of the Seattle Criminal Code. Any person convicted  
19 of violating Section 10.64.040 may be punished by a civil fine or for-  
20 feiture not to exceed One Hundred Dollars (\$100.00).

21           Section 2. The provisions of this ordinance are declared to be  
22 separate and severable. The invalidity of any clause, sentence,  
23 paragraph, subdivision, section or portion of this  
24  
25  
26  
27  
28

# ORDINANCE 111899

AN ORDINANCE prohibiting smoking in certain areas open to the public; requiring posting of "no smoking" signs; establishing penalties for violation; and adding a new Chapter 10.64 to the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. There is added to the Seattle Municipal Code a new Chapter 10.64 as follows.

## Section 10.64.010 Definitions

A. "Public place" as used in this chapter shall mean any building or vehicle used by, and open to, the public regardless of whether such building or vehicle is owned in whole or in part by private persons or entities, or by The City of Seattle or other public entity, and regardless of whether a fee is charged for admission to the place.

B. "Smoke" or "smoking" as used in this chapter means the carrying or smoking of any kind of lighted pipe, cigar, cigarette or any other form of ignited tobacco or lighted smoking or material equipment.

## Section 10.64.020 Prohibition

Smoking is prohibited in the following public places:

- Elevators.
- Mass transportation vehicles, such as buses; except on chartered buses for private hire or in taxicabs clearly designated by the operator to permit smoking.
- Indoor facilities serving as museums, concert halls, theaters, auditoriums and exhibition halls; provided that smoking by performers as part of a theatrical production is permitted; and provided further that smoking may be permitted in designated areas of lobbies if the lobbies are physically separated from the spectator area.
- Indoor sports arenas, provided that smoking may be permitted in designated areas of lobbies, if the lobbies are physically separated from the spectator area.
- Hallways and waiting rooms of every health care facility including, but not limited to, hospitals, nursing homes, clinics and health departments; provided that smoking may be allowed in one or more designated, physically separate waiting rooms.
- All areas open to the public in buildings owned or occupied by the City of Seattle; provided, that smoking may be permitted in designated smoking areas of the Seattle Center's "Center House." The designated smoking areas may not exceed 30% of the common area of the Center House.
- Public places which are part of shopping centers, retail stores and financial institutions, including, but not limited to department stores, banks, laundromats and barbershops; provided, that smoking may be allowed in the common areas of shopping malls.
- Classrooms and lecture halls of schools, colleges and universities.
- Rooms in which meetings and/or hearings open to the public are held.
- All public areas and waiting rooms of public transportation facilities including but not limited to, bus, train, airport and ferry facilities; provided that smoking may be permitted in designated smoking areas that may not exceed 30% of the waiting area.
- All public restrooms including, but not limited to those found in all public places listed above.
- Libraries.

## Section 10.64.030 No Smoking areas in restaurants

Restaurants with food service capacity of 75 persons and over shall provide and post notice to customers of the availability of food service seating where tobacco smoking will not be permitted.

## Section 10.64.040 Designation of "Smoking" and "No Smoking" Areas

A. The rightful occupant of each public place in which smoking is prohibited shall post signs prohibiting smoking. Signs shall be posted conspicuously at every entrance and in prominent locations throughout the buildings, rooms, and public places in which smoking is prohibited; provided, that signs shall not be posted in violation of

other laws or ordinances.

B. It is unlawful for any person to remove, deface, or destroy any sign posted in compliance with this ordinance.

## Section 10.64.050 Enforcement

The Seattle Fire Department is authorized to enforce Section 10.64.040; the Seattle-King County Health Department is authorized to enforce Section 10.64.030.

## Section 10.64.060 Penalty

An offense against Section 10.64.040 is a violation, subject to the provisions of Chapter 12A.02 (General Provisions) and Chapter 12A.04 (Defenses) of the Seattle Criminal Code. Any person convicted of violating Section 10.64.040 may be punished by a civil fine or forfeiture not to exceed One Hundred Dollars (\$100.00).

Section 2. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, and/or the invalidity of the application thereof shall not affect the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 3. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 25<sup>th</sup> day of April, 1983,  
and signed by me in open session in authentication of its passage this 25<sup>th</sup> day of April, 1983.

Approved by me this 3<sup>rd</sup> day of May, 1983.  
Mayor

Filed by me this 3<sup>rd</sup> day of May, 1983.  
City Controller and City Clerk

(SEAL)

Publication ordered by TIM HILL, Comptroller and City Clerk.  
Date of official publication in Daily Journal of Commerce, Seattle, May 5, 1983.  
(C-371)



**Affidavit of Publication****STATE OF WASHINGTON  
KING COUNTY—SS.**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a .....

.....  
Ordinance No. 111099

.....  
was published on May 5, 1983

.....  
Subscribed and sworn to before me on

May 5, 1983

.....  
Notary Public for the State of Washington,  
residing in Seattle.

Issue: "NO SMOKING" SIGNS

Page 1

Date/Time: WED, FEB 16, 1983

File/Bill: CF 291434  
CA 103492

PLEASE PRINT

ROSTER OF SPEAKERS FOR PUBLIC HEARING

BE COURTEOUS  
OF ALL SPEAKERS

NAME	POSITION	ORGANIZATION	ADDRESS	ZIP	PHONE
JOHN E. GORDON	Exec Vice Pres.	Hofel, Postmaster Assoc	722 Securities Bldg	98101	682-6179
<del>JOHN JAFFE</del> BOB FOX	<del>SEE - TRIPS</del> Vice President	FAN	P.O. Box 24052 Seattle	98124	322-7467
JEFF ALTMAN MD	Member	FANS	UN. OF WASHINGTON	98195	545-1047
DAVID CHIVERS	Reg. Dir	Am Lung Assn of WA	216 BROADWAY E	98102	322-7110
JOANNE HOOVER, M.D.	Board Member	FANS	525 W. MEAGER ISLAND, WA	98040	232-7346
Don Jaffe	Board Member	FAN	PO Box 24052 Seattle	98124	322-7467
Amanda Hensrud	Pics.	FANS	4900 Fremont N. #104	98103	633-5629
Charles Miller	Board Member	FANS	2025 Ravenna NE Seattle	98115	525-2454
Bruce Miller	President	Mouavi	Box 21963 Seattle	98111	322-6440
Mark Henderson	Representative	American Cancer Society	2120 1st Ave N, 5th fl.	98109	283-1152
Arday Alford	Board Member	FANS	907 1ST	98122	323-7515
Holly Magowan	Board Member	interested in FANS	3375 1st Avenue	98115	524-8881
Shelia Hurst	CON. MGR	UNIV. Tower Hotel	5507 Brooklyn N.E.	98115	634-1006
Jeff M. Mical	MANAGER	FANS	420 2nd St SE 310	98101	624-6563
La Grip Young	Pres/owner	UNLIMITED	607-19th Ave East	98112	323-8500
WEATHER MARKS	NONE	MYSELF	4219 PHINNEY AV N	98103	634-8334
Debbie KRICBAUM	---	NONE	CENTER HOUSE	98109	682-0441
Betty ELMORE	---	---	305 HARRISON SEATTLE	98103	682-0441
Vernie Haver	---	---	1683 S. Acme PL.	98103	682-0441
	---	---	KENT, WA 98144	98032	839-7060
	---	---	23020 SE 6th Place Redmond	98052	392-4703
	---	---		98052	285-9661

CF 291434

10

9:30am

BE COURTEOUS  
OF ALL SPEAKERS

[illegible]

M E M O R A N D U M

January 13, 1983

TO: Paul Sullivan  
Legislative Department

FROM: Susan R. Sampson *SRS*  
Law Department

RE: Nonsmoking

Enclosed as I promised by telephone on January 12, find a "nonsmoking" ordinance in final form. It does not require signs to be posted in restaurants. It addresses public buildings owned by the City. It does not contain a provision for administrative rule-making. It calls for enforcement through the Fire Department. I will be happy to make further corrections requested.

SRS:mc

Enclosure