

ORDINANCE No.

113548

COUNCIL BILL No.

106205

AN ORDINANCE relating to the criminal code; amending Seattle Municipal Code (SMC) Section 12A.02.010 and adding a new chapter 12A.30 to SMC Title 12A by making unlawful the inhalation, possession and sale of certain toxic vapors or fumes.

July 28, 1987

Do Pass

COMPTROLLER FILE No.

Introduced: JUN 22 1987	By: EXECUTIVE REQUEST
Referred: JUN 22 1987	To: Public Safety
Referred:	To:
Referred:	To:
Reported: AUG 10 1987	Second Reading: AUG 10 1987
Third Reading: AUG 10 1987	Signed: AUG 10 1987
Presented to Mayor: AUG 11 1987	Approved: AUG 20 1987
Returned to City Clerk: AUG 20 1987	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained: (OK)

REC'D CMB AUG 11 1987

Law Department

The City of

Honorable President:

Your Committee on

to which was referred the within Council Bill
report that we have considered the same

Do Pass

H. J. ...

harment

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

President:

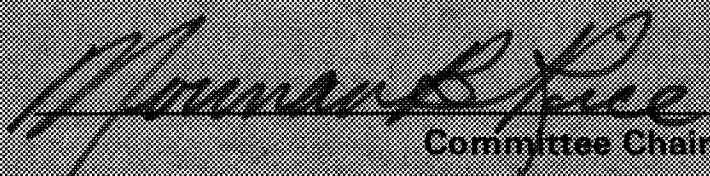
Committee on

as referred the within Council Bill No.

we have considered the same and respectfully recommend that the same:

Do Pass

Vote 6-0



Committee Chair

RJP:et
6/17/87
7:ORD4.

ORDINANCE 113548

AN ORDINANCE relating to the criminal code; amending Seattle Municipal Code (SMC) Section 12A.02.010 and adding a new chapter 12A.30 to SMC Title 12A by making unlawful the inhalation, possession, and sale of certain toxic vapors or fumes.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 12A.02.010 of the Seattle Municipal Code is amended as follows:

12A.02.010 Title--Effective date.

Chapters 12A.02 through (~~12A.28~~) 12A.30, hereinafter referred to as "this subtitle" or "this code" shall be known and may be cited as Seattle Criminal Code and shall become effective on December 3, 1974.

Section 2. Title 12A of the Seattle Municipal code is amended by adding thereto a new chapter 12A.30, as follows:

12A.30.010 Definition

As used in this chapter, the phrase "substance containing a solvent having the property of releasing toxic vapors or fumes" shall mean and include any substance containing one or more of the following chemical compounds:

- (1) Acetone;
- (2) Amylacetate;
- (3) Benzol or benzene;
- (4) Butyl acetate;
- (5) Butyl alcohol;
- (6) Carbon tetrachloride;
- (7) Chloroform;
- (8) Cyclohexanone;
- (9) Ethanol or ethyl alcohol;
- (10) Ethyl acetate;
- (11) Hexane;
- (12) Isopropanol or isopropyl alcohol;
- (13) Isopropyl acetate;
- (14) Methyl "cellosolve" acetate;
- (15) Methyl ethyl ketone;
- (16) Methyl isobutyl ketone;
- (17) Tuluol or toluene;
- (18) Trichloroethylene;
- (19) Tricresyl phosphate;
- (20) Xylol or Xylene; or
- (21) Any other solvent, material substance, chemical, or combination thereof, having the property of releasing toxic vapors.

1 12A.30.020 Unlawful inhalation - Exception

2 It is unlawful for any person to intentionally smell or
3 inhale the fumes of any type of substance as defined in
4 SMC 12A.30.010 or to induce any other person to do so,
5 for the purpose of causing a condition of, or inducing
6 symptoms of intoxication, elation, euphoria, dizziness,
7 excitement, irrational behavior, exhilaration, paralysis,
8 stupefaction, or dulling of the senses of the nervous
9 system, or for the purpose of, in any manner, changing,
10 distorting, or disturbing the audio, visual, or mental
11 processes; Provided, this section does not apply to the
12 inhalation of any anesthesia for medical or dental purposes.

13 12A.30.030 Possession of certain substances prohibited,
14 when.

15 No person may, for the purpose of violating SMC
16 12A.30.020, use, or possess for the purpose of so using,
17 any substance containing a solvent having the property
18 of releasing toxic vapors or fumes.

19 12A.30.040 Sale of certain substances prohibited, when.

20 No person may sell, offer to sell, deliver, or give to any
21 other person any container of a substance containing a
22 solvent having the property of releasing toxic vapors or
23 fumes, if he/she has knowledge that the product sold,
24 offered for sale, delivered, or given will be used for the
25 purpose set forth in SMC 12A.30.020.

26 12A.30.050 Penalty.

27 Any person who violates this chapter shall be guilty of a
28 crime and, upon conviction thereof, may be punished by a
29 fine not to exceed One Thousand Dollars (\$1,000.00), or by
30 imprisonment for a term not to exceed ninety days or by
31 both such fine and imprisonment.

1 Section 3. The provisions of this ordinance are declared
2 to be separate and severable. The invalidity of any clause,
3 sentence, paragraph, subdivision, section or portion of this
4 ordinance, or the invalidity of its application to any person
5 or circumstance, shall not affect the validity of the remain-
6 der of this ordinance, or the validity of its application to
7 other persons or circumstances.
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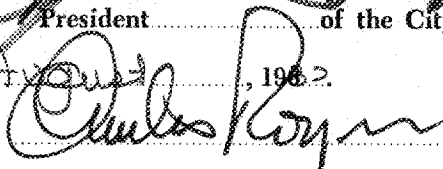
(To be used for all Ordinances except Emergency.)

Section 4.... 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 10th day of August, 1987
and signed by me in open session in authentication of its passage this 10th day of August, 1987.


President of the City Council.

Approved by me this 20th day of August, 1987.


Mayor.

Filed by me this 20th day of August, 1987.

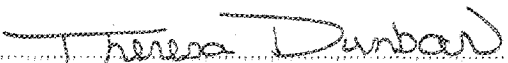
Attest:


City Comptroller and City Clerk.

(SEAL)

Published.....

By


Deputy Clerk.

City of Seattle

Executive Department-Office of Management and Budget

James P. Ritch, Director
Charles Royer, Mayor



May 8, 1987

601

9269

P. duck

The Honorable Douglas Jewett
City Attorney
City of Seattle

Dear Mr. Jewett:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING
DEPARTMENT: Police Department

SUBJECT: An ordinance relating to the criminal code; amending Title 12A of the Seattle Municipal Code (Seattle Criminal Code) by banning the inhalation, possession and sale of certain toxic vapors or fumes and thereby adding a new Chapter to the code.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation directly to your office for review and drafting.

After reviewing this request and drafting appropriate legislation:

(X) File the legislation with the City Clerk for formal introduction to the City Council as an Executive Request.

() Do not file with City Council, but return the proposed legislation to OMB for our review. Return to _____.

Sincerely,

Charles Royer
Mayor

by

Elizabeth Paselke
JIM RITCH
Budget Director

JR/ep/cb

Enclosure

cc: Chief, SPD

Office Of The Mayor
City of Seattle

Charles Royer, Mayor



June 10, 1987

M E M O R A N D U M

TO: Councilmember Norm Rice
Chair, Public Safety Committee

FROM: Charles Royer *Charles Royer*

SUBJECT: Attached Legislation

Attached is a set of proposed ordinance changes designed to enhance the ability of our police officers to respond effectively to the public safety issues which face us today. These are part of a larger strategy we are pursuing that involves systematic changes in our treatment system for alcoholics, mentally ill, drug abusers, and in our criminal justice system.

As we deploy more beat officers on our streets and in our neighborhoods, we must give them the tools which will allow them to enforce a standard of behavior that respects the rights of all citizens in our community. I have already proposed, and the Council has recently passed, a set of ordinance changes directed toward similar problems occurring in our parks.

I appreciate your interest in these proposals, and look forward to working with you to ensure their speedy passage.

Office Of The Mayor
City of Seattle

Charles Royer, Mayor

June 10, 1987



*Multiple
Charges
JB*

705
9338

*OK JB
6/17/87*

The Honorable Douglas Jewett
City Attorney
City of Seattle

Dear Mr. Jewett:

I am proposing to the City Council that the enclosed legislation be adopted.

REQUESTING DEPARTMENT: Mayor's Office

SUBJECT: AN ORDINANCE related to the criminal code; amending Title 12A of the Seattle Municipal Code (Seattle Criminal Code) by banning the inhalation, possession, and sale of certain toxic vapors or fumes and thereby adding a new Chapter to the code.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation directly to your office for review and drafting.

After reviewing this request and drafting appropriate legislation, file the legislation with the City Clerk for formal introduction to the City Council as an Executive Request.

Sincerely,

Charles Royer

Enclosure

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. 113548

was published on August 26, 1987

P. Blair
Subscribed and sworn to before me on

August 26, 1987

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

City of Seattle

ORDINANCE 112544

AN ORDINANCE relating to the criminal code, amending Seattle Municipal Code (SMC) Section 12A.02.010 and adding a new chapter 12A.30 to SMC Title 12A by making unlawful the inhalation, possession, and sale of certain toxic vapors or fumes.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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12A.02.010 Title — Effective date.

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12A.30.010 DEFINITION

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- (10) Ethyl acetate;
- (11) Hexane;
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- (13) Isopropylacetate;
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- (17) Toluol or toluene;
- (18) Trichloroethylene;
- (19) Tricresyl phosphate;
- (20) Xylol or Xylene, or

(21) Any other solvent, material substance, chemical, or combination thereof, having the property of releasing toxic vapors.

12A.30.020 UNLAWFUL INHALATION — EXCEPTION

It is unlawful for any person to intentionally smell or inhale the fumes of any type of substance as defined in SMC 12A.30.010 or to induce any other person to do so, for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses of the nervous system, or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes. Provided, this section does not apply to the inhalation of any anesthesia for medical or dental purposes.

12A.30.030 POSSESSION OF CERTAIN SUBSTANCES PROHIBITED, WHEN

No person may, for the purpose of violating SMC 12A.30.020, use, or possess for the purpose of so using, any substance containing a solvent having

12A.30.050 PENALTY

Any person who violates this chapter shall be guilty of a crime and, upon conviction thereof, may be punished by a fine not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment for a term not to exceed ninety days or by both such fine and imprisonment.

Section 3. 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, or the invalidity of its application to any person or circumstance, shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 4. 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 10th day of August, 1987, and signed by me in open session in authentication of its passage this 10th day of August, 1987.

SAM SMITH,
President of the City Council.

Approved by me this 20th day of August, 1987.

CHARLES ROYER,
Mayor.

Filed by me this 20th day of August, 1987.

Attest: NORWARD J. BROOKS,
City Comptroller and City Clerk.

(Seal) By THERESA DUNBAR,
Deputy Clerk.

Publication ordered by NORWARD J. BROOKS, Comptroller and City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, August 28, 1987. (C 364 X)